

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION AGENDA
Tuesday, October 13, 2020
City Council Chambers
401 Whitney Boulevard
6:00 pm**

ROLL CALL

Members:

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

Staff:

Gina DeRose, Community Development Planner
Cathy Crawford, Administrative Assistant

MINUTES: Approve the minutes of the August 11, 2020 meeting.

PUBLIC COMMENT:

UNFINISHED BUSINESS: None

NEW BUSINESS:

2020-08: Lawton, 1316 West 12th Street: Application of property owner Mary Lawton, 1316 West 12th Street, Belvidere, IL 61008 for a variance at 1316 West 12th 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 and 150.909 Variance Review). The variance will allow for the required pavement setback to be reduced from 3 feet to 8 inches to allow for the existing driveway to be expanded. PIN: 05-35-379-004

Staff (Approval)

OTHER BUSINESS:

Elections

DISCUSSION:

Staff report

ADJOURNMENT

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

Tuesday August 11, 2020

City Council Chambers

401 Whitney Boulevard

6:00 pm

ROLL CALL

Members Present:

Carl Gnewuch
Natalie Mulhall
Andrew Racz
Art Hyland
Robert Cantrell

Staff Present:

Gina DelRose, Community Development Planner
Cathy Crawford, Administrative Assistant
Mike Crella, City Attorney

Members Absent:

Alissa Maher, VCHM
Paul Engelman

City attorney Mike Drella called the meeting to order at 6:03 p.m.

Mike Drella stated that since there was no chairperson present, it would be appropriate to appoint a temporary chair for the meeting.

It was moved and seconded (Racz/Cantrell) to appoint Carl Gnewuch as temporary chair. The motion carried with a 4-0-1 roll call vote. Carl Gnewuch abstained.

MINUTES: It was moved and seconded (Hyland/Cantrell) to approve the minutes of the July 14, 2020 meeting. The motion carried with a 5-0 roll call vote.

PUBLIC COMMENT: None

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.

The public hearing opened at 6:07 p.m.

Gina DelRose was sworn in. Ms. DelRose stated that certified mailings were sent to property owners within 250 feet of the subject property on July 16, 2020 and the case was published in the Boone County Journal on July 24, 2020. Ms. DelRose summarized the staff report dated August 4, 2020.

The subject property 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 a large parking area with adequate spaces for new and existing businesses. The video gaming area is proposed to be located in the northeast corner of the building and will be associated with a restaurant that has its own exterior door as well as an entrance into the grocery store. The gaming area will be comprised of six machines in a 12 by 21 foot area and will be serviced by the restaurant. The gaming area will be separate from the general public with continuous monitoring from the restaurant's counter and surveillance system.

Gina DelRose summarized the history of gaming in Illinois and within the City. Although the 30 allowable licenses for video gaming have all been issued, this application represents the 34th establishment to be eligible to apply for a license. The applicant is aware that the granting of a special use does not guarantee that they will be issued a gaming license in the future.

Gina DelRose stated that the addition of video gaming machines will be monitored by the front counter and is situated in such a way as to be hidden from the restaurant's seating area and from people under the age of 21.

The additional traffic from the gaming area is not expected to negatively affect the available parking or accessibility in the commercial plaza. The staff recommends approval of case 2020-06 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.

Carl Gnewuch invited questions from the commissioners for staff.

Robert Cantrell asked if the establishment has a liquor license.

Gina DelRose stated Fiesta Market has a liquor license.

The applicant added that the liquor license has been in place since 2006.

Natalie Mulhall clarified that the City has issued the maximum allowable number of video gaming licenses at 30.

Gina DelRose said yes; the special use for indoor commercial entertainment includes uses such as bars, pool halls, and video gaming establishments. The City has issued the maximum number of video gaming licenses. Should another license become available, the applicant could be granted the available license.

There were no further questions for the staff.

Carl Gnewuch asked the applicant if he wished to present evidence and the applicant declined.

There were no questions for the applicant.

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

No discussion was held regarding the application.

It was moved and seconded (Racz/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 motioned and seconded (Mulhall/Hyland) to approve case 2020-06 subject to the conditions as presented in the staff report. The motion carried with a 5-0 roll call vote.

Gina DelRose stated the application would go to the City Council for a first reading on August 17, 2020 and a second reading on September 1, 2020.

OTHER BUSINESS: Election of Officers:

Mike Drella stated that the appointment of Chair and Vice-Chair of the Planning and Zoning Commission is done by the Mayor, with recommendation of the commission members.

Andy Racz nominated Paul Engelman as Chair and Carl Gnewuch as Vice-Chair. The nomination was seconded by Robert Cantrell.

Paul Engelman was voted to be Chair and Carl Gnewuch as Vice-Chair by a 5-0 roll call vote.

DISCUSSION: None

Staff Report:

Gina DelRose stated the applicant Kevin Olson will be presenting plans to the building department for review soon. Ms. DelRose stated that Belvidere Cemetery will be annexing into the City. At this time, portions of the cemetery are in both the city and the county. The annexation will eliminate many issues for that organization. The Cemetery Association is expected to be building new offices that will match the style of the historic Pettit Chapel, designed by Frank Lloyd Wright.

There will be no cases before the commission in September, 2020.

ADJOURNMENT:

The meeting adjourned at 6:22 p.m.

Recorded by:

Cathy Crawford
Administrative Assistant

Reviewed by:

Gina DelRose
Community Development Planner

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

October 7, 2020

ADVISORY REPORT

CASE NUMBER: 2020-08

APPLICANT: Lawton, 1316 W. 12th Street

REQUEST AND LOCATION:

The applicant and owner, Mary Lawton, 1316 West 12th Street, Belvidere, IL 61008 is requesting a variance at 1316 West 12th 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 and 150.909 Variance Review) on 7,955 square feet, PIN: 05-35-379-004. The variance will allow for the required pavement setback to be reduced from 3 feet to 8 inches on the east side of the property to allow for the existing driveway to be expanded. The property is developed with a single-family residence and attached garage.

EXISTING LAND USE ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: Single-family residence

Adjacent property:

North and East: Single-family residences

West and South: Open Space

CURRENT ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: SR-6, Single-family Residential-6 District

Adjacent property:

North, West and East: SR-6, Single-family Residential-6 District

South: MR-8S, Multi-family Residential-8 Small District

COMPREHENSIVE PLAN:

Subject properties: Single-family Residential

Adjacent property:

North, West and East: Single-family Residential

South: Mixed Residential

BACKGROUND:

The property is located within Plat 4 of the Sheffield Green Subdivision located between Grant Highway, Appleton Road, West 6th Street and 7th Avenue. The plat was recorded in 1971 and depicts a storm sewer easement on the east side of the property where the proposed expansion is located. However, the storm sewer was installed in the 14th Avenue right-of-way when it was constructed (14th Avenue was platted in 1975), rendering the easement unused. The property is 7,995 square feet, rectangular in shape and has 66 feet of road frontage. The minimum lot size

requirements for the SR-6 District are 40 feet of road frontage with a minimum lot size of 7,000 square feet.

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 attached garage is a one-car garage and the driveway is only large enough for one-car. The property, which was developed prior to the adoption of the existing Zoning Ordinance, does not meet the minimum parking requirements.

The zoning ordinance requires pavement to be setback three feet from lot lines in the residential districts. This three-foot setback allows for water run-off to be absorbed into the ground prior to running onto a neighboring property and to also ensure tire ruts and other unsightly issues remain on the property rather than encroaching onto a neighboring property. The municipal code requires that the surface of public sidewalks shall be kept free of obstructions of any kind, including vehicles. This allows pedestrians to be able to utilize sidewalks without encountering a hazard or needing to leave the sidewalk to bypass an obstruction.

The request would allow the driveway to be widened and extended along the eastern side of the property to allow two additional parking spaces. The new driveway will be 21.9 feet wide in the front and 11 feet wide next to the garage. The reduced setback and parking area will face the neighboring property's original driveway and residence. The expanded driveway will allow for vehicles currently parked on the street to be parked on the property. Due to the curvature of 12th Street and the proximity of the intersection with 13th Avenue, parking vehicles in the street can be unsafe.

TREND OF DEVELOPMENT:

The property is within an established residential neighborhood along Grant Highway. There is a large open space area that buffers the residential area from the Grant Highway/Appleton Road interchange.

COMPREHENSIVE PLAN:

The subject property is designated residential by the City of Belvidere's Comprehensive Plan, adopted November 10, 1999. The single-family residential land use category encourages sewerer single-family residential development at densities up to five (5) dwelling units per acre.

FINDINGS OF FACT:

Per Section 150.909 (E) of the City of Belvidere Zoning Ordinance, the criteria for granting a Variance are as follows:

- A. Findings: The requested variance is needed due to special conditions and circumstances existing that are peculiar to the land, structure or building involved and is not applicable to other lands, structures or buildings in the same district.**

The variance is being requested because the property currently has inadequate off-street parking. The driveway and garage are situated in a manner that would permit a 10.5-foot to 8.8-foot expansion on an already narrow driveway (approximately 9 feet wide). The applicant is requesting the variance to allow for a 12.9-foot to 11-foot wide expansion. The minimum width of a single car driveway is 10 feet wide. The variance will allow for the applicant to meet this minimum requirement with an additional foot to protect the side of the residence from possible contact.

- B. **Findings:** The requested variance is not needed due to a particular hardship or difficulty arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the lot was platted/created before the passage of the current, applicable zoning regulations and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed.

The property meets the minimum lot size requirement (7,000 square feet) and has adequate road frontage. The property meets all minimum requirements of the zoning ordinance. The variance is needed because the residence was not constructed in a position that allowed for a wider driveway or functional garage expansion. The lack of safe on-street parking is also increasing the need for additional off-street parking.

- C. **Findings:** The requested variance is not due to hardships or difficulties created from the actions of the Applicant.

It is staff's understanding that the applicant did not create the hardship.

- D. **Findings:** The requested variance will not confer on the Applicant a special privilege that is denied by this subsection to the owners of other lands, structures or buildings in the same district.

Many properties within the SR-6 District were developed under 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 reduce the need for on-street parking by meeting the Zoning Ordinance's residential parking requirements.

Several properties within the neighborhood have driveway extensions that are closer than three feet to the property line.

- E. **Findings:** The requested variation is the minimum variation that will make possible the reasonable use of land, structure or building.

The proposed driveway could be reduced a foot and still meet the required minimum width. However, vehicle styles are trending larger and with a majority of the expansion being along the existing garage wall, the applicant wants to make sure that the wall is not damaged from contact with vehicles. Therefore the variance request includes the additional foot to allow for the driveway to be 11 feet wide at its narrowest.

- F. **Findings:** The subject property may yield a reasonable return if permitted to be used only under the regulations allowed in the applicable zoning district.

The property can continue operating as single-family residential, however it would not meet the growing trend of driveway and garage sizes. The garage could be widened to allow one additional vehicle (small to midsize car) to be parked which would be minimal compared to residences in the same district.

- G. **Findings:** The granting of the variation will be in harmony with the general purpose and intent of the Zoning Ordinance, will not be injurious to the neighborhood, will not impair the adequate supply of light and air to adjacent

property, will not unreasonably increase the congestion in public streets, will not unreasonably diminish property values within the surrounding area, or otherwise be detrimental to the public interest.

No evidence has been submitted to show that the variance would be detrimental to the neighborhood. The reduced pavement setback would still allow for adequate drainage from the driveway extension as long as the pitch meets the drawings submitted. Reducing the amount of on-street parking at the curve would also improve safety.

SUMMARY OF FINDINGS:

The variance is being requested because the property currently has inadequate off-street parking. The driveway and garage are situated in a manner that would permit a 10.5-foot to 8.8-foot expansion on an already narrow driveway (approximately 9 feet wide). The applicant is requesting the variance to allow for a 12.9-foot to 11-foot wide expansion. The minimum width of a single car driveway is 10 feet wide. The variance will allow for the applicant to meet this minimum requirement with an additional foot to protect the side of the residence from possible contact.

Many properties within the SR-6 District were developed under previous zoning ordinances and have either gravel driveways or driveways paved closer than three feet to the property line. The garage could be widened to allow one additional vehicle (small to midsize car) to be parked which would be minimal compared to residences in the same district. The reason for the variance is to be able to reduce the need for on-street parking. Several properties within the neighborhood have driveway extensions that are closer than three feet to the property line.

The proposed driveway could be reduced a foot and still meet the required minimum width. However, vehicle styles are trending larger and with a majority of the expansion being along the existing garage wall, the applicant wants to make sure that the wall is not damaged from contact with vehicles. Therefore, the variance request includes the additional foot to allow for the driveway to be 11 feet wide at its narrowest.

No evidence has been submitted to show that the variance would be detrimental to the neighborhood. The reduced pavement setback would still allow for adequate drainage from the driveway extension as long as the pitch meets the drawings submitted. Reducing the amount of on-street parking at the curve would also improve safety.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **2020-08; Lawton, 1316 West 12th Street**; the staff also recommends compliance with the letter submitted by the Belvidere Department of Public Works regarding the pitch of the driveway.

Submitted by:



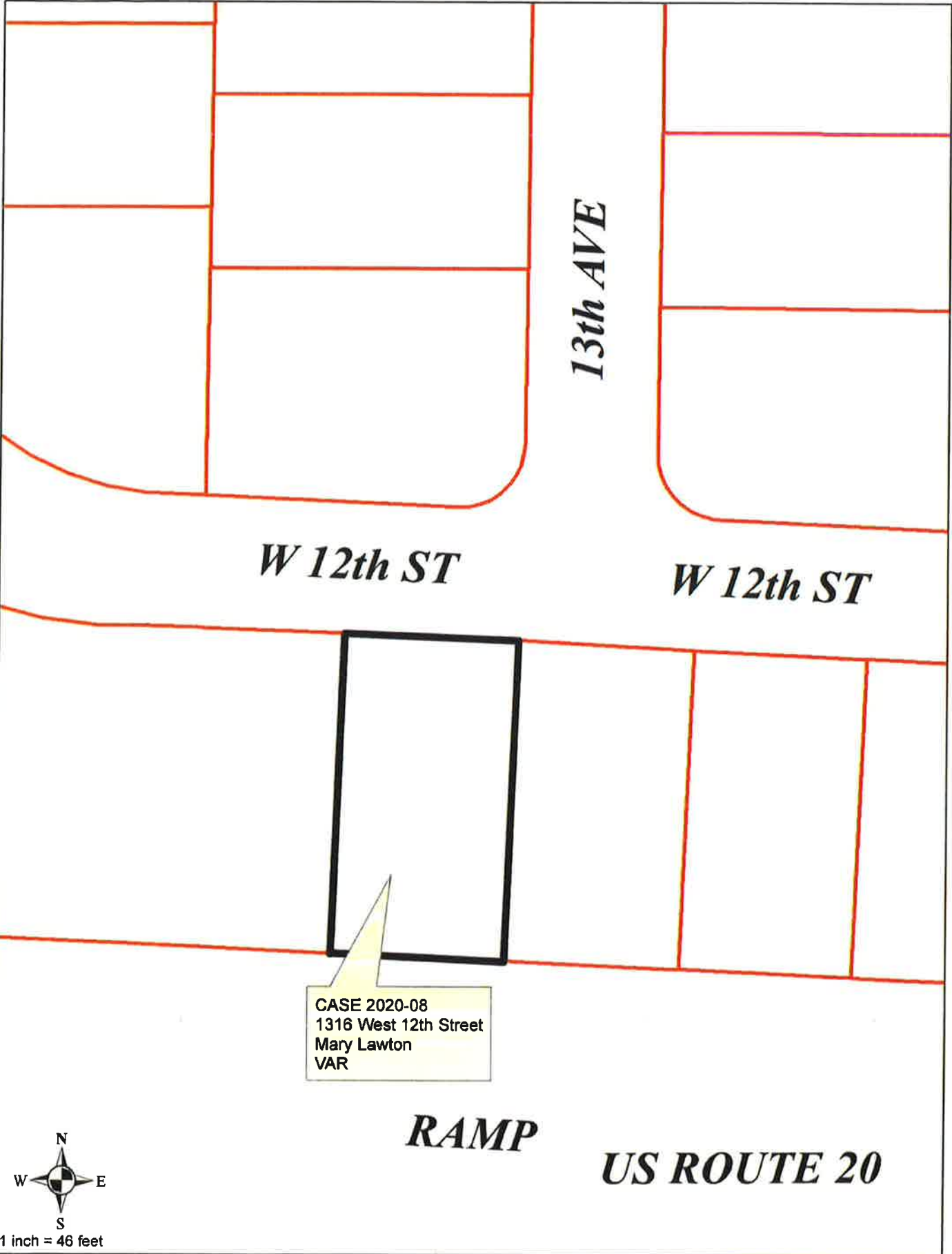
Gina DelRose,
Community Development Planner

PLANNING AND ZONING COMMISSION ACTION

After the holding of the public hearing, the Planning and Zoning Commission shall make and adopt findings of fact and make its determination regarding the application as a whole. The Planning and Zoning Commission may request further information and/or additional reports from the Zoning Administrator and/or the Applicant. The Planning and Zoning Commission may take final action on the request for approval of the proposed variance at the time of its initial meeting or the proceedings may be continued for further consideration. Granting of a variance shall be considered as unique to the variance granted and shall not be construed as precedent for any other proposed variance.

ATTACHMENTS

1. Location Map by the Planning Staff.
2. Aerial Photo by the Planning Staff.
3. Narrative submitted by the applicant.
4. Site plans submitted by the applicant.
5. Letter from Jennifer Becker, Boone County Soil and Water Conservation District dated September 13, 2020.
6. Letter from Amanda Mehl, Boone County Department of Public Health dated September 25, 2020.
7. Memo from Brent Anderson, Belvidere Public Works Department dated October 2, 2020.



13th AVE

W 12th ST

W 12th ST

CASE 2020-08
1316 West 12th Street
Mary Lawton
VAR

RAMP

US ROUTE 20



1 inch = 46 feet

W 12th ST



CASE 2020-08
1316 West 12th Street
Mary Lawton
VAR



1 inch = 23 feet

I'm requesting permission to put a driveway in. We have 1 spot in Existing Driveway we have 3 Automobiles, Mary is Elderly, walks with a walker, Ron is Disabled, with Back issues, if he steps out of Car on uneven ground, he could fall and injure himself or Back, We would like to take Drive Way from Side Walk to Back of Garage, and be 11 ft. from Side of garage, Property Line is 11ft 8in at front of garage, and 11ft 9in at back of garage. That will leave 8to 9in inside property, Our existing fence is 6in, inside Prop Line, Drive Way would be inside fence.

Thank you

Regards to
1316 W 12th St.
Belvidere Ill.

11' wide driveway
Code is minimum 10' wide
leaves 8"-9" setback



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

13 September 2020

SWCD NRI #: 1645

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: 1316 W. 12th Street Belvidere, IL 61008
PIN(S): 05-35-379-004

Contact	Petitioner	Owner
Penny Steadman, POA 1316 W. 12 th St. Belvidere, IL 61008 815-988-8011	Same	Mary Lawton 1316 W. 12 th St. Belvidere, IL 61008

Request: Variance for driveway.

Notes: one soil type, La Houge loam (102A), not within a floodplain or wetland, not within primary drainage way, and primary surficial drainage of water does not appear to be blocked or interrupted by proposed placement driveway.

Sincerely,

Jennifer Becker
Boone County Soil & Water
Conservation District

Re: Penny Steadman



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.*

September 25, 2020

FAX: 815-547-0789

Gina DelRose
Community Development Planner
401 Whitney Blvd Suite 300
Belvidere, IL 61008

Re: Case: 2020-08; Lawton, 1316 West 12th Street

Dear Gina,

We are in receipt of the variance that will allow for the required pavement setback to be reduced from 3 feet to 8 inches to allow for the existing driveway to be expanded. PIN: 05-35-379-004.

The Boone County Health Department has no comments.

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
Administrator

at

Memo

To: Gina DelRose, Community Development Planner
From: Brent Anderson, Director of Public Works
Date: 10/2/2020
Re: Case #2020-08: Lawton, 1316 West 12th Street

Having reviewed the above referenced case, I would offer the following:

1. The storm sewer easement on the east side of this property is not being utilized. The storm drain has been installed west of this property when 14th Avenue was constructed.
2. The driveway addition design provides for a low point in the center of the addition to ensure that storm water runoff does not adversely affect the adjacent property. Care must be taken during construction of the driveway to ensure that the drainage swale is installed in accordance with the plans.

BELVIDERE

Community Development Department Planning Department

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

September 2020 Monthly Report

Number	Project	Description	Processed
	Belvidere Projects		
0	Cases: September	None	
1	Cases: October	1316 W. 12th Street, VAR	9/10/2020
2	Annexation	Plote, 4654 Townhall Road Plote, Irene Rd and US Route 20	
0	Temporary Uses	None	
2	Site Plans (New/Revised)	212 Kishwaukee Street 1427 Fairgrounds Road	9/2/2020 9/3/2020
0	Final Inspection		
3	Downtown Overlay Review	109 N. State Street, Façade 226 N. State Street, Façade 213 S. State Street, wall sign	9/9/2020 9/14/2020 9/30/2020
3	Prepared Zoning Verification Letters	2138/2140 Davis Drive 410 S. State Street 6853 Indy Drive	9/14/2020 9/21/2020 9/30/2020
1	Issued Address Letters	1427 Fairgrounds Road	9/9/2020
	Belvidere Historic Preservation Commission	The Commission granted an extension of one of their Landmark Property Maintenance Grant recipients and continued planning their fall fundraiser. Staff created and distributed an edition of the History Keeper newsletter.	
	Heritage Days Hometown Christmas	None Staff continued met 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. September 13th was the last Strolls for the 2020 season	
	Poplar Grove Projects		
2	Cases: September	PG Solar, SU, 4324 IL Rte 173, East	8/24/2020

Planning Monthly Report Cont.

		PG Solar, SU, 4324 IL Rte 173, West	8/24/2020
0	Cases: October	None	
0	Issued Address Letters	None	
1	Prepared Zoning Verification Letters	110 Sherman Lane	9/14/2020

Scanned Plats: E-mail, Print and/or Burn

1	Recorder's Office
0	Other Department
0	General Public

Staff continues to provide Census information to those requesting data and community outreach materials. 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 sent out letters notify the façade grant winners and processed payment for completion of a project from the 2019 grant cycle

CITY 2020

Date	Planner	Case	Request	Petitioner/ Address	PZC	CC1	CC2
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Oct

9/10/2020	GD	2020-08	VAR	Mary Lawton	10/13/2020		
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Nov

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Dec

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Variation	2
Map Amendment	
Subdivision	
Special Use	4
Annexation	1
Text Amendment	1
Temporary Use	
Appeals	
Total	8