

**CITY OF BELVIDERE  
PLANNING AND ZONING COMMISSION  
Minutes  
Tuesday December 8, 2020  
City Council Chambers  
401 Whitney Boulevard  
6:00 pm**

**ROLL CALL**

**Members Present:**

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

**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 (Mulhall/Cantrell) to approve the minutes of the November 10, 2020 meeting. The motion carried with a 7-0 voice vote.

**PUBLIC COMMENT:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**2020-10; Caldwell, 120 Buchanan Street:** Application of property owner, Russell Caldwell, 8642 US Highway 20, Garden Prairie, IL 61038 for a special use to permit indoor commercial entertainment. Specifically, video gaming at 120 Buchanan Street, Belvidere, IL (Belvidere Zoning Ordinance Sections 150.105(C)(6)(B)(2) Indoor Commercial Entertainment and 150.904 Special Uses Review and Approval Procedures) in the CB, Central Business District on approximately 1,200 square feet.

The public hearing opened at 6:01 p.m.

Gina DelRose was sworn in. Ms. DelRose stated that certified mailings went out to surrounding property owners on November 17, 2020 and the case was published in the Boone County Journal on November 20, 2020. Ms. DelRose summarized the staff report dated December 2, 2020.

Ms. DelRose stated the Firebox Restaurant and Pizzeria opened in 2019, composed of two buildings and a shared outdoor patio. The applicant is requesting to remove the tables on the west side of the restaurant and install video gaming machines to be monitored by his staff. Due to the Covid-19 mitigation efforts, restaurants and bars

have seen multiple restrictions placed on them such as limited hours of operation, capacity and types of services allowed. These limitations have greatly impacted the ability for some businesses to prosper. The applicant is requesting video gaming in hopes of creating another revenue source to help offset the declining sales his establishments have suffered. The State has allowed restaurants and bars to remain open so that their video gaming machines could still be operational. This gives businesses with video gaming machines an advantage over others.

There is no on-site parking but Buchanan Street and Whitney Boulevard provide limited on-street parking for patrons in addition to three municipal parking lots within 300 feet of the subject property. Due to existing lot sizes, age and layout of the existing buildings and the intention to be pedestrian-friendly, on-site parking is not required in the Central Business District.

The addition of video gaming machines will not be noticeable from the outside (except for possible signage) and is not anticipated to negatively impact these land uses. Operating businesses, instead of vacant storefronts, is beneficial to all adjacent properties.

The planning staff is not aware of any businesses that chose not to locate or expand in the downtown area due to the other bars and similar establishments. The staff does not anticipate this special use will deter development when previous businesses have not.

The applicant intends for his expansion into video gaming to be an addition to his existing business, not a stand-alone video gaming parlor. A wider demographic of people can thus be served in the downtown area. The planning staff recommends approval of the special use, subject to the following condition:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.

The Chairman asked if there were questions for the staff.

Paul Engelman asked for clarification of the special use request versus the State license and municipal requirements.

Gina DelRose stated the special use for indoor commercial entertainment covers video gaming as well as a variety of other uses. The State-required license and City of Belvidere stickers allow for the use of the video gaming machines specifically. The City has placed a limit of 30 gaming licenses. The special use now before the commission is the 36<sup>th</sup> such special use. The granting of the special use does not guarantee the granting of State licenses or gaming stickers. There is no limit placed on the number of special uses allowed for indoor commercial entertainment and such a special use is required as a first step to acquiring the license and stickers.

Gina DelRose stated that the City is considering raising the limit on video gaming licenses to 40, from 30; staff would anticipate a number of special use applications for indoor commercial entertainment to follow such a decision.

Paul Engelman asked if the granting of such a special use allows the use in perpetuity.

Gina DelRose stated that if a special use is abandoned for twelve months, the special use becomes null and void, unless a request for an extension is made.

Robert Cantrell asked for a timeline for the possible raising of the video gaming license limit from 30 to 40.

Gina DelRose stated that a second reading of the request will occur at the City Council meeting on December 21st.

Paul Engelman asked if the City Council is considering raising the number of licenses for the Covid-19 period only.

City attorney Mike Drella stated the case is not tied to the Covid-19 crisis; once a license has been awarded to someone, it is not possible to rescind it.

Natalie Mulhall asked if there is a difference, in terms of the special use permit, between stand-alone video gaming establishments and those operated as accessory uses to another establishment.

Gina DelRose stated there is not; some municipalities do differentiate between the two but not Belvidere.

Natalie Mulhall asked if there is a way for Belvidere to differentiate the two.

Gina DelRose said there are many gray areas that are difficult to enforce in differentiating between stand-alone gaming parlors and accessory uses, including the serving of food or not.

Mike Drella stated that some municipalities differentiate between stand-alone parlors versus accessory uses by tying the difference to the percentage of alcohol sales versus food sales but that Belvidere is not large enough to differentiate in that way.

Carl Gnewuch asked if the choice of 30 allowable video gaming licenses was an arbitrary number chosen, or if it was based on any standards in place.

Gina DelRose indicated the number was based on the existing 25 licenses and allowed for a small amount of growth.

The Chair asked the applicant to step forward.

Russell Caldwell was sworn in. Mr. Caldwell stated he is the owner of The Shortline, Firebox and Sips and Sprinkles Restaurants. Mr. Caldwell said he had never desired gaming machines previously, choosing to use available space for more tables. Mr. Caldwell said the revenue from video gaming can off-set the losses suffered during the current crisis. He said his was not a business to operate large-scale promotions to add revenue; he stated his businesses have all stayed open during the crisis and no one has been laid off as a result.

Chairman Gnewuch invited questions from the commissioners. The Chair asked Mr. Caldwell what it has been like operating his businesses during the Covid-19 crisis.

Russell Caldwell said he has not laid anyone off and is operating the same hours even though the Firebox has seen a downturn in business. Mr. Caldwell said he does not wish to change the nature of the business, which is a restaurant. The presence of the machines would be for his patrons.

The public hearing closed at 6:18 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 7-0 roll call vote.

It was moved and seconded (Cantrell/Hyland) to recommend approval of case 2020-10 subject to the condition as presented. The motion carried with a 7-0 roll call vote.

**OTHER BUSINESS:** None

**DISCUSSION:** None

**Staff Report:**

Gina DelRose stated that as discussed, the video gaming licenses are before the City Council. The next meeting will include a case for a variance.


**ADJOURNMENT:**

The meeting adjourned at 6:30 p.m.

**Recorded by:**

  
Cathy Crawford  
Administrative Assistant

**Reviewed by:**

  
Gina DelRose  
Community Development Planner