

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

**ROLL CALL**

**Members:**

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

**Staff:**

Gina DelRose, Community Development Planner  
Cathy Crawford, Administrative Assistant

**MINUTES:** Approve the minutes of the November 10, 2020 meeting.

**PUBLIC COMMENT:**

**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. PIN: 05-25-358-020

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

**OTHER BUSINESS:** None.

**DISCUSSION:**

**Staff report**

**ADJOURNMENT**

**CITY OF BELVIDERE  
PLANNING AND ZONING COMMISSION**

**Minutes**

**Tuesday November 10, 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 6:00p.m.

**MINUTES:** It was moved and seconded (Racz/Mulhall) to approve the minutes of the October 13, 2020 meeting. The motion carried with a 7-0 roll call vote.

**PUBLIC COMMENT:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

2020-09: Boone County Historical Society, 605 N. State Street: Application of Anna Pivoras on behalf of the property owner, Boone County Historical Society, 314 South State Street, Belvidere, IL 61008 for a map amendment (rezoning) for 605 North State Street, Belvidere, IL 61008 from SR-6, Single-family Residential-6 District to I, Institutional District pursuant to the Belvidere Zoning Ordinance Section 150.903 Amendment to Official Zoning Map.

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

Gina DelRose was sworn in. Ms. DelRose summarized the staff report dated November 4, 2020.

Gina DelRose summarized the history of the subject property and stated that the property was a notable residence when it was built and remains one to this day. In the 1930s it was purchased by the Funderburg family who resided in it until the late 1970s. Although the subject property has been vacant for decades, it has been well-maintained. In 2019 K-B Farms Inc. gifted it to the Boone County Historical Society. The intent of the gift was for the property to be used as an extension of the Boone

County Museum of History by offering a community gathering space, small event venue, space for a local art gallery, additional exhibit rooms and other uses.

In anticipation of allowing the public to enter the building, renovations such as repainting, refinishing the floors, HVAC upgrades etc. have occurred. An architect has been secured to design the remodeling to meet the requirements of the Americans With Disabilities Act.

In regard to parking, there is enough on-site parking for employees and a large enough area for drop-off parking. Due to the extra wide right-of-way of East Boone Street, an additional 16 on-street parking spaces can be created in addition to the significant amount of on-street parking found across from Big Thunder Park in front of the courthouse.

Land uses permitted by right in the Institutional District are not-for-profit recreational facilities such as gyms, swimming pools, libraries and museums. Schools, colleges and churches, nonprofit clubs and other similar land uses are also permitted. The property measures less than one acre which is too small to house many of the permitted land uses in the Institutional District. Parcels of this size are most likely to be developed into funeral homes, churches, small libraries or museums. The Ida Public Library is two blocks away, the Boone County Courthouse and Public Safety Building are both one block away and there are numerous churches scattered through the city in predominantly residential neighborhoods. Institutional land uses are uses that have traditionally been located in or near residential areas.

The planning staff recommends approval of case 2020-09. Ms. DelRose reminded commission members that there are no conditions of approval placed on a rezoning. Ms. DelRose stated the case was published in the Boone County Journal on October 23, 2020 and notifications were sent to neighboring property owners by certified mail on October 22, 2020.

Chair Gnewuch invited questions for the staff from commission members.

Alissa Maher asked if the requirements for the Institutional District allow a clause for a live-in caretaker.

Gina DelRose said that if it was for a live-in caretaker and not a rental apartment, then it would be an accessory use.

Paul Engelman asked if there are limitations of any kind placed on the rezoning of the subject property, such as hours of operation.

Gina DelRose said there are no hours of operations specific for the Institutional District, however, greater setbacks are required, which would create the needed buffer between the property and residential properties.

Paul Engelman asked if that property would be zoned Institutional in perpetuity.

Gina DelRose said that is correct.

Natalie Mulhall asked if the Museum has stated any hours of operation or if it will open on an event by event basis.

Gina DelRose stated no conditions of approval can be placed on a rezoning, so whatever the Historical Society anticipates cannot be regulated.

Carl Gnewuch asked if the applicant had questions for the staff. Seeing none, the applicant was invited to present evidence.

Anna Pivoras, director of the Boone County Museum of History, said she had nothing further to add.

John Wolf, head of the Funderburg House Renovation Committee and trustee of the Museum District was sworn in. Mr. Wolf gave his personal historic connection to the Funderburg House and outlined the types of events and exhibits the Society hopes will be held at the subject property. Mr. Wolf stated the house is in the process of renovation, Ollmann Ernest Martin Architects have been hired as design professionals. The house has been on the tax rolls for forty years unoccupied but it has been maintained. Mr. Wolf stated the house has three stories and the intent is a permanent display for the community, including space for the Boone County Arts Council, fundraising events, school tours, and small parties. Mr. Wolf stated the Museum would not have the funds to undertake such a project without the donation of K-B Farms and the donation of the house by the Funderburg family. Mr. Wolf stated this would be something Belvidere has never had previously.

There were no questions for Mr. Wolf.

Anna Pivoras was sworn in to answer questions.

Natalie Mulhall asked if the plans will include set hours of operation or will vary due to special events.

Anna Pivoras stated the committee envisions a limited number of hours open to the public per week and the event hours on a case by case basis.

Robert Cantrell asked if, when it is open to the public, there will be staff in period dress.

Anna Pivoras said that was their hope. Ms. Pivoras said they would like the tour process to include creative elements such as that.

Natalie Mulhall asked if artworks will be displayed throughout the house or if there will be permanent exhibit rooms.

Anna Pivoras stated the Boone County Arts Council will have a dedicated gallery space available to them. The Museum may combine exhibits from their collections with the features of the house.

Gina DelRose stated that, while the rezoning is going forward now, the renovation of the Funderburg House has been ongoing for some time in order to allow the Society to better understand the requirements and cost of making the property accessible to the public so that they may be better prepared to answer any questions during the rezoning process.

Natalie Mulhall asked if the house carries landmark status.

Gina DelRose said no.

Anna Pivoras stated that applying for landmark status is a plan for the future.

Alissa Maher asked if landmarking the property will attach requirements to how the house can be renovated.

Gina DelRose explained some of the differences in the requirements placed on a landmark if it has a local or national landmark status. The requirements differ greatly, with local landmarks only have exterior renovations regulated and national landmark requirements being the least restrictive. Ms. DelRose mentioned the maintenance grant monies available for exterior renovation of local landmarks.

Natalie Mulhall asked if any neighbors had contacted the Planning Staff with comments.

Gina DelRose said there had been no comments forwarded; the notifications were sent to all neighbors within 250 feet of the subject property, exclusive of the right-of-way, to give them the opportunity to comment.

Carl Gnewuch commended the members of the committee and all who have been involved in the project.

The public hearing closed at 6:28 p.m.

It was motioned and seconded (Maher/Engelman) to recommend approval of case 2020-09. The motion carried unanimously.

Gina DelRose said the case will go before the City Council on November 16, 2020 for a silent reading and for final vote on December 7, 2020.

**OTHER BUSINESS:** None

**DISCUSSION:** None

**Staff Report:**

Gina DelRose explained, for new commission members, that the State of Illinois does not allow conditions for approval for rezonings. The Findings listed in the staff report are not required to be adopted for rezonings either.

Gina DelRose stated there will be one case for a special use for video gaming before the commission in December, 2020. While there are no video gaming licenses available at this time, some anticipate businesses may not reopen post-Covid 19 and are applying for special uses to be ready in that eventuality.

**ADJOURNMENT:**

The meeting adjourned at 6:30 p.m.

**Recorded by:**

**Reviewed by:**

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Cathy Crawford  
Administrative Assistant

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Gina DelRose  
Community Development Planner

**CITY OF BELVIDERE**

*Community Development*



**BUILDING DEPARTMENT**

**PLANNING DEPARTMENT**

401 WHITNEY BLVD. SUITE 300 BELVIDERE, IL 61008 \* PII (815)547-7177 FAX (815)547-0789

December 2, 2020

**ADVISORY REPORT**

**CASE NO:** 2020-10

**APPLICANT:** Caldwell, 120 Buchanan Street

**REQUEST AND LOCATION:**

The applicant and owner, Russell Caldwell, 8642 US Highway 20, Garden Prairie, IL 61038 is requesting a special use for indoor commercial entertainment to operate video gaming at 120 Buchanan Street, Belvidere, IL within the CB, Central Business District pursuant to Sections 150.105(C)(6)(B)(2) Indoor Commercial Entertainment and 150.904 Special Uses Review and Approval Procedures of the Belvidere Zoning Ordinance. The subject property is approximately 1,200 square feet (PIN: 05-25-358-020) and developed with a portion of the Firebox Restaurant and Pizzeria.

**EXISTING LAND USE:**

**Subject property:** Firebox Restaurant and Pizzeria

**North:** Municipal Parking Lot and City Hall

**South:** Buchanan Street Pub

**East:** Firebox Restaurant and Pizzeria (2<sup>nd</sup> lot) and Jack Rose

**West:** Outdoor Patio shared with The Shortline

**CURRENT ZONING:**

**Subject property:** CB, Central Business District

**North, South East, West:** CB, Central Business District

**COMPREHENSIVE PLAN:**

**Subject property:** Central Business

**North, South, East, West:** Central Business

**BACKGROUND:**

The Firebox Restaurant and Pizzeria opened in 2019. The restaurant is comprised of two buildings and a shared outdoor patio. The applicant is requesting to remove the tables on the west side of the restaurant in order to install video gaming machines that would be monitored by staff.

Due to Covid-19 mitigation efforts, restaurants and bars have seen multiple restrictions placed on them such as hours of operation, capacity and type of service. 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 off-set the declining sales

associated with mitigation efforts. In the past, 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.

**TREND OF DEVELOPMENT:**

The subject property is located downtown in an area of established central business commercial and institutional uses. There have been several new businesses to open in the area in recent years.

**COMPREHENSIVE PLAN:**

The subject property is designated as "Central Mixed Use" by the City of Belvidere Comprehensive Plan, adopted July 15, 1999. The Central Mixed-Use map category encourages pedestrian-orientated indoor-commercial, office, institutional and residential uses with street-scaping and low-key signage. All surrounding properties are also designated "Central Mixed-Use" by the Comprehensive Plan

**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 requested special use is for indoor commercial entertainment to allow for the addition of video gaming to the restaurant. The property is located in the Central Business District where such land uses are common. Entertainment-based businesses are often encouraged in downtown districts.

The building is located near municipal parking lots and a mix of bars, eateries and offices. 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 store fronts, is beneficial to all adjacent properties.

- 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 Central Business; the current zoning is Central Business. The entire downtown area is designated as Central Business. The downtown area should be a mix of retail, services, residential, recreation and entertainment that operate during the day and night and that are compatible uses.



Video gaming and other land uses associated with indoor commercial entertainment are included in the encouraged mix of land uses.

- 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 property is served by on-street parking along Buchanan Street and Whitney Boulevard in addition to three nearby municipal parking lots. On-site parking is not required in the Central Business District; most patrons of businesses on Buchanan Street utilize the municipal parking lots in the area. The property currently houses a restaurant which does not create any traffic nuisances of which staff is aware.

- 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 in the downtown area due to the other bars and similar establishments. The planning staff does not anticipate that this special use will deter development when previous businesses have not.

- 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 restaurant 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.

Although the applicant is requesting a special use to operate a land use that is similar to others in the downtown area, he intends for it to be an addition to the existing restaurant and not a stand-alone gaming café. This could allow a wider demographic of people to be served in the downtown area. The neighborhood is a mix of residential, commercial and entertainment. The special use should not alter the neighborhood or create an undue burden.

**SUMMARY OF FINDINGS:**

The requested special use is for indoor commercial entertainment to allow for the addition of video gaming to the restaurant. The property is located in the Central Business District where such land uses are common. Video gaming and other land uses associated with indoor commercial entertainment are included in the encouraged mix of land uses.

The building is located near municipal parking lots and a mix of bars, eateries and offices. 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 store front, is beneficial to all adjacent properties.

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

Although the applicant is requesting a special use to operate a land use that is similar to others in the downtown area, he intends for it to be an addition to the existing restaurant and not a stand-alone gaming café. This could allow a wider demographic of people to be served in the downtown area. The neighborhood is a mix of residential, commercial and entertainment so the special use should not alter the neighborhood or create an undue burden.

**RECOMMENDATION:**

The planning staff recommends the **approval** of case number **2020-10** for a special use at 120 Buchanan Street subject to the following conditions:

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

**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 submitted by Applicant.
5. Letter submitted by the Boone County Soil and Water Conservation District, Bill Hall, November 13, 2020.
6. Letter submitted by the Boone County Health Department, Amanda Mehl, November 23, 2020.

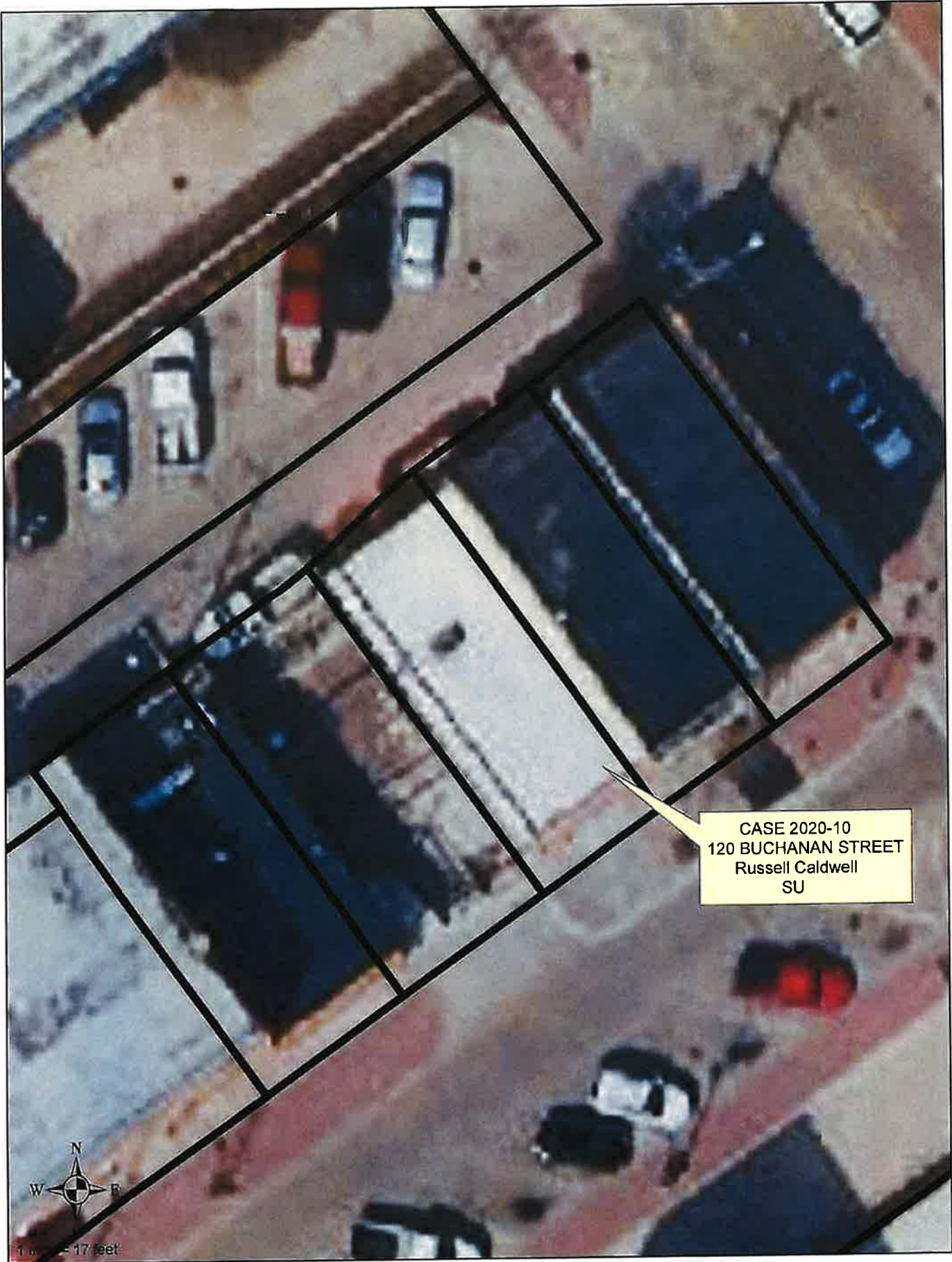
**WHITNEY BLVD**

**BUCHANAN ST**

CASE 2020-10  
120 BUCHANAN STREET  
Russell Caldwell  
SU



1 inch = 23 feet



CASE 2020-10  
120 BUCHANAN STREET  
Russell Caldwell  
SU

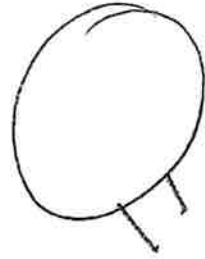


1 inch = 17 feet

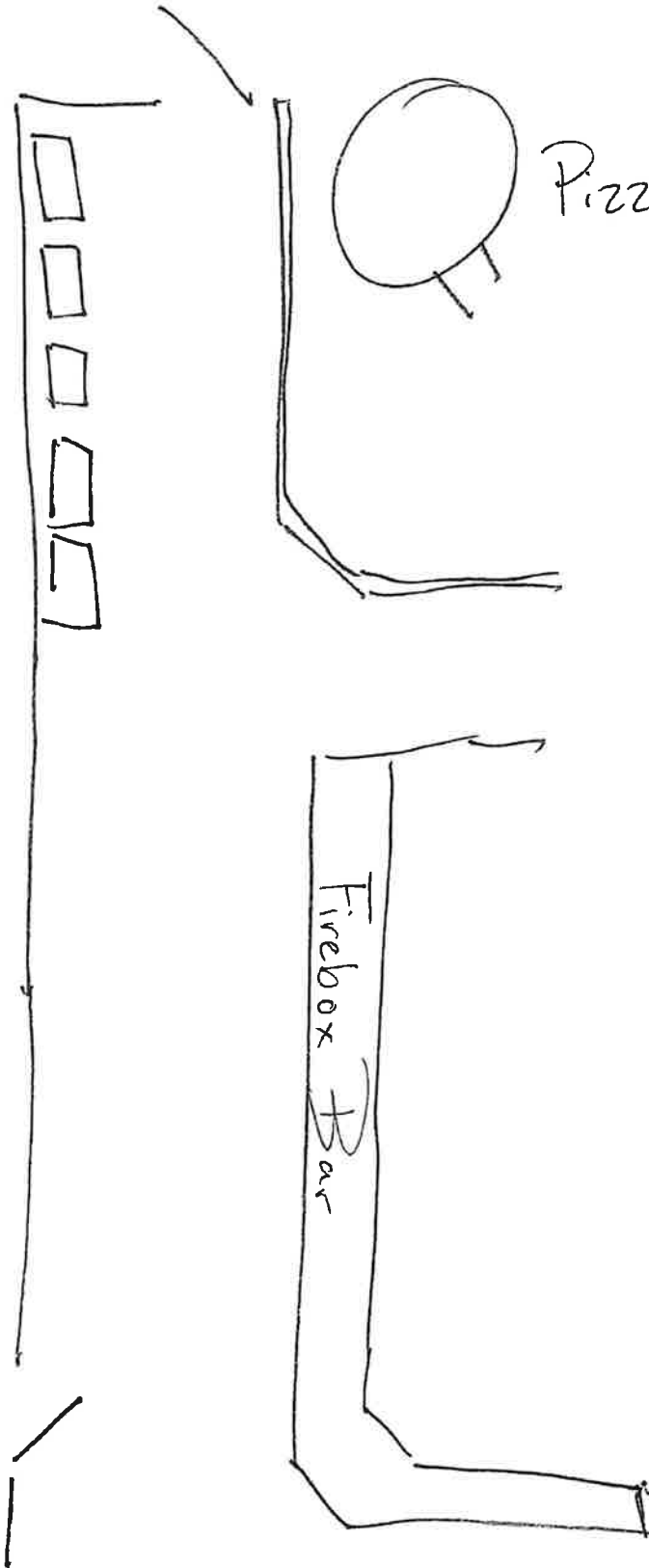
Our hours will be the operating restaurant hours. We are not looking to expand our normal restaurant hours for just machines. We are looking to add (5) machines. The machines are in direct line of sight of the cashier and bartenders. We are requesting machines as an added revenue source to The Firebox Restaurant & Pizzeria due to extremely low sales. The original intent for the state of Illinois was for the gambling machines was to help the revenue of restaurants. Unfortunately, at this time, The Firebox is in the category. We are sure even an additional small amount of revenue would be beneficial to the restaurant. It appears that Governor Pritzker is allowing the gambling machine locations to stay open even as he shuts down other businesses.

Mural Court

Patio



Pizza Oven



Firebox Bar



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

November 13, 2020

**SWCD NRI #: XXXX**

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:** 120 Buchanan Street, Belvidere  
**PIN(S):** 05-25-358-020

Contact	Petitioner	Owner
Russell Caldwell 8642 US Hwy 20 Garden Prairie, IL 61038 815-509-1187	Same	Same

**Request:** Special Use for video gaming

Notes: No additional construction or soil disturbance is taking place. Video gaming will be inside existing Firebox restaurant.

Sincerely,

A handwritten signature in black ink that reads "Bill Hall". The signature is written in a cursive, slightly slanted style.

Bill Hall

Boone County Soil &  
Water Conservation District





## 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](http://www.boonehealth.org)

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*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.*

November 23, 2020

FAX: 815-547-0789

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

Re: Case: 2020-10; Caldwell, 120 Buchanan St.

Dear Gina,

We are in receipt of the notice for a special use permit for 120 Buchanan St. for indoor commercial entertainment.

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](mailto:info@boonehealth.org)

Thank you,

Amanda Mehl  
Administrator

MNG

# BELVIDERE

## Community Development Department Planning Department

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

### November 2020 Monthly Report

Number	Project	Description	Processed
<b>Belvidere Projects</b>			
1	Cases: November	605 N. State Street, RZ	9/25/2020
1	Cases: December	120 Buchanan Street, SU	11/10/2020
1	Cases: January	409 W. Jackson Street, VAR	11/20/2020
2	Annexation	Plote, 4654 Townhall Road Plote, Irene Rd and US Route 20	
0	Temporary Uses	None	
2	Site Plans (New/Revised)	Anderson Funeral Home 1637 7th Avenue, Faith Baptist Church	11/16/2020 11/17/2020
0	Final Inspection	None	
0	Downtown Overlay Review	None	10/5/2020
1	<b>Prepared Zoning Verification Letters</b>	1988 Gateway Center Drive	11/25/2020
0	<b>Issued Address Letters</b>	None	
	Belvidere Historic Preservation Commission	Staff had a zoom meeting to discuss the final draft of the Survey which will be presented to the Commission and the City Council in December. Staff continues to submit required monthly and quarterly documentation.	
	Heritage Days	None	
	Hometown Christmas	The planning committee continues to prepare for Hometown Christmas in the park and a virtual tree lighting.	
	Buchanan Street Strolls	None	
<b>Poplar Grove Projects</b>			
1	Cases: November	15878 Poplar Grove Road, RZ	10/28/2020
0	Cases: December	None	
0	<b>Issued Address Letters</b>	None	
0	<b>Prepared Zoning Verification Letters</b>	None	
<b>Scanned Plats: E-mail, Print and/or Burn</b>			
5	Recorder's Office		
0	Other Department		
0	General Public		

## **Planning Monthly Report Cont.**

**Census**

None

### **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 continues to review the portions of the Comprehensive Plan

## CITY 2020

Date	Planner	Case	Request	Petitioner/ Address	PZC	CC1	CC2
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Dec

11/10/2020	GD	2020-10	SU	Caldwell; 120 Buchanan St	12/8/2020	12/14/2020	1/4/2021
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<b>Variation</b>	<b>2</b>
<b>Map Amendment</b>	<b>1</b>
<b>Subdivision</b>	
<b>Special Use</b>	<b>5</b>
<b>Annexation</b>	<b>1</b>
<b>Text Amendment</b>	<b>1</b>
<b>Temporary Use</b>	
<b>Appeals</b>	
<b>Total</b>	<b>10</b>

## CITY 2021

Date	Planner	Case	Request	Petitioner/ Address	PZC	CC1	CC2
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JAN

11.20/20	GD	2021-01	VAR	Snow, 409 W Jackson Street	1/12/2021		
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FEB

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<b>Variation</b>	<b>1</b>
<b>Map Amendment</b>	
<b>Subdivision</b>	
<b>Special Use</b>	
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