

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

Tuesday, January 14, 2020

City Council Chambers

401 Whitney Boulevard

6:00 pm

ROLL CALL

Members Present:

Daniel Arevalo CHM
Alissa Maher, VCHM
Art Hyland
Robert Cantrell
Andrew Racz
Paul Engelman

Staff Present:

Gina DelRose, Community Development Planner
Cathy Crawford, Administrative Assistant
Michael Drella, City Attorney

Members Absent:

Carl Gnewuch

Chairman Daniel Arevalo called the meeting to order at 6:02 p.m.

MINUTES: It was moved and seconded (Racz/Hyland) to approve the minutes of December 10, 2019. The motion carried with a 6-0 roll call vote.

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

2020-02: Gunsteen, 1125 North State Street: Application of Gunsteen Car Wash c/o Daniel Gunsteen, 651 S. Sutton Road, Suite 305, Streamwood, IL 60107 on behalf of the property owner, Robert L. Dixon Trust-2001, 1348 Fairgrounds Road, Belvidere, IL 61008 for a special use to permit in-vehicle sales and service. Specifically, a car wash with accessory retail sales at 1125 N. State Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) In-vehicle sales or service and 150.904 Special Use Review and Approval Procedures) in the GB, General Business District (PIN: 05-26-127-011).

The public hearing was opened at 6:04 p.m.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on December 27, 2019 and certified mailings were sent to surrounding property owners on December 26, 2019. Ms. DelRose summarized the staff report dated January 9, 2020. Ms. DelRose stated the subject property was previously developed with a two-story house which was moved to Ruby Street in

1968 to allow for the building of a gas station. Following the gas station, a restaurant located there in 1980 and was later a bar. All buildings were removed and the property became additional parking for Belvidere Motors which was located to the north from 1989; this car dealership replaced a grocery store that had been located there since 1965.

The applicant is proposing to construct an automatic car wash with its primary entrance off of North State Street and a secondary entrance off of Fairgrounds Road. In addition to the car wash, there will be outdoor vacuum stations and a retail area within the building. The applicant is proposing hours of operation from 7:00 am to 9:00 p.m. Limited hours of operation will be enforced through the conditions of approval in an effort to help minimize the potential negative impacts from noise. It is anticipated that approximately 200 cars will utilize the car wash per day. Additional traffic could be generated for the retail sales portion of the building.

Ms. DelRose stated that Belvidere has a mix of self-serve, automatic and full-service car washes spread throughout the city limits. Ms. DelRose stated the staff recommends approval of the special use subject to the following conditions:

1. A full site plan shall be submitted to and approved by the staff (building, public works, police, fire, planning, etc.) prior to the issuance of building permits.
2. The access from North State Street shall be reduced to a width of 35 feet with 5-foot flares on each side.
3. The hours of operation shall be limited to 6:00 a.m. to 10:00 p.m.

There were no questions for the staff from commission members.

Chair Arevalo invited questions from the public.

Daniel Simpson, the owner and operator of Personal Pride Car Wash on Logan Avenue questioned the expected traffic the car wash can expect per day. Mr. Simpson stated he felt the number of cars serviced at the subject location would greatly exceed the number anticipated in the staff report. Mr. Simpson asked if a traffic study had been done.

Gina DelRose stated she consulted with the Director of Public Works. According to the Illinois Department of Transportation, in 2018 the traffic count on North State Street was 9,700 cars per day and on Fairgrounds Road the count was 4,900 cars per day. Ms. DelRose stated that the Public Works director provided her with data indicating that North State Street is designed to handle 1,700 cars per hour per lane. Ms. DelRose said the expected car wash traffic is far less than that capacity.

Daniel Simpson questioned the amount of noise that might be generated by the dryers and vacuums at the proposed facility.

Gina DelRose said the hours of operation have been limited from the allowed 24 hours per day to reduce the impact of increased noise from the facility.

Janie Schneider questioned the potential for noise and excessive traffic. Ms. Schneider also questioned where the entrances would be placed.

Gina DelRose clarified that there will be entrances on both State Street and off Fairgrounds Road. Ms. DelRose said the applicant will present a large site plan to clarify the placement of the entrances.

Chair Arevalo invited the applicant to present statements or evidence.

Jeff Linkenheld of Arc Design Resources, Inc. introduced himself and stated he is the design professional involved in the proposed project. Mr. Linkenheld was sworn in and presented a site plan for viewing by the commission. Mr. Linkenheld clarified that the accessory retail sales mentioned in the staff report would be a future project and would not be part of the initial project. Mr. Linkenheld said the proposed facility is fully automated and his client has facilities of the same kind operating on East State Street in Rockford and in Loves Park. Mr. Linkenheld pointed out the proposed entrances on the site plan. Mr. Linkenheld stated the site will be improved with additional landscaping.

The applicant Daniel Gunsteen was sworn in. Mr. Gunsteen described the traffic patterns at his East State Street facility and stated the expected car wash traffic will be far less than the approximately 500 transactions done by the McDonalds Restaurant on North State Street. Mr. Gunsteen described the appearance of the proposed car wash and stated that all car wash functions would be completed within the proposed brick building. Mr. Gunsteen said the vacuum stations will be covered with a canopy and that refuse will be placed at the rear of the property.

Alissa Maher asked Mr. Gunsteen to describe the traffic at his East State Street facility.

Daniel Gunsteen said the traffic in Rockford depends on the day and the time of the year; salty winter weather produces more car wash traffic. He stated traffic is more heavy during grand opening events when car washes are offered for free, during salty winter weather, and during the summer when the car wash closing time is extended to 9:00 p.m.

Paul Engelman asked Mr. Gunsteen if the proposed car wash is a franchise.

Daniel Gunsteen said no; he is the owner and operator of the facilities and the one being proposed. Mr. Gunsteen said the proposed facility expects to hire twelve to fifteen full and part-time employees.

Daniel Arevalo asked if the number of employees is the same at Mr. Gunsteen's other locations.

Daniel Gunsteen said yes; he added that there will always be a supervisor on-site during operating hours.

Seeing no further questions for the applicant, the public hearing was closed at 6:25 p.m.

It was moved and seconded (Racz/Maher) 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 recommend approval of case 2020-02 subject to the conditions as presented by staff. The motion carried with a 6-0 roll call vote.

Gina DelRose said the case would go before the City Council for a first reading on January 21, 2020 and a second reading and final vote on February 3, 2020.

2020-01: 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 150.013 Definitions, Sections 150.105(C)(4)- 150.105 (C)(9) Planned Business, General Business, Central Business, Planned Industrial, General Industrial and Heavy Industrial Districts land uses, Section 150.204(D) Commercial Land Uses and Appendix C: Land Use Summary Chart and Section 150.902 Amendment of Zoning Regulations (Text Amendments). Specifically, the amendments are in regards to Adult-use Cannabis dispensaries and cultivation centers.

Gina DelRose stated the case was published in the Boone County Journal on December 27, 2019.

Gina DelRose stated the proposed text amendment is the result of the change in state law allowing the use of cannabis for recreational purposes; the City Council directed Ms. DelRose to propose a text amendment to allow cannabis dispensaries in the Planned Business, General Business and Central Business Districts. The City Council also wanted the regulations for potential cannabis dispensaries to be the same as that for liquor licenses.

Gina DelRose stated the Illinois Municipal League (IML) created a draft ordinance that is being used by many municipalities for their own codes. Seven definitions of cannabis-related uses and terms are also added to the proposed amendment.

These definitions match that in the new Cannabis Regulations and Tax Act, with the caveat that if those state definitions change in the future, so will the definitions in Belvidere's Zoning Ordinance. Ms. DelRose presented the proposed definition amendments.

Gina DelRose stated the cannabis-related uses in the business districts would include dispensaries, infusers, and transporting (with the exception of the Central Business District which would be limited in its parking capabilities for larger vehicles).

In reference to the Industrial Districts, Ms. DelRose stated the proposed text amendment allows for cannabis-related businesses to locate by right in the Planned Industrial, General Industrial and Heavy Industrial Districts, with the exception of dispensaries which would only be allowed by special use in the Planned Industrial District which allows for some retail uses. Cannabis growers are allowed in the Industrial Districts because, while the plant is a crop, it is grown indoors and has a heavy need for water use. A large industrial building for cultivation would not be compatible with the Agricultural District.

City Attorney Mike Drella questioned whether there may be outdoor growers of cannabis locally.

Gina DelRose said such outdoor growing would create security issues, increased pest control needs, and the need to grow cannabis year-round which our climate does not support.

Minimum requirements being proposed were presented by Gina DelRose as well as proposed setbacks. Dispensaries must be 75% of the floor area of a retail business so dispensaries will not be allowed to locate in existing businesses. Cannabis lounges would be prohibited. Ms. DelRose presented other cannabis-related issues including taxing and licensing. Due to the limited number of licenses allowed by the state, the likelihood of smaller communities like Belvidere being allowed a license is low. Ms. DelRose explained that if specific language related to the zoning of cannabis is not added to the Zoning Ordinance, by state law dispensaries would be outright permitted. The proposed language allows Belvidere to regulate its uses.

City Attorney Mike Drella gave a background on the Cannabis Regulations and Tax Act. The Act has been amended already and Home Rule authority was pre-empted by the Act. By default, it is allowed. The City Council is attempting to place reasonable zoning restrictions in conformance with the statute. Mr. Drella repeated that it is unlikely a business in Belvidere will get a license for dispensing cannabis in 2020. Mr. Drella explained that the state police have input in the locating of cannabis dispensaries and eventually a cap of 500 licenses will be placed statewide. Mr. Drella listed the prohibitions on cannabis and stated that dispensaries are highly

regulated. Each function in the cannabis industry must be separated from every other and the process is taxed at every level of production and sales.

Andy Racz asked for clarification of the codes used in the Table of Permitted Uses referenced in the proposed text amendment.

Alissa Maher asked for clarification of the prohibition against on-site use, stating that Chicago discussed allowing on-site use.

Mike Drella said a municipality would have to specifically allow a cannabis lounge for on-site consumption. Mr. Drella said that on-site use is problematic because there is no liability insurance similar to bars having "dram-shop" insurance that covers cannabis use.

Discussion was held regarding the language of the Cannabis Regulations and Tax Act.

Paul Engelman asked what the language of the proposed text amendment is based on.

Gina DelRose said she helped craft the text amendment for another municipality which was based on the IML template; the proposed language draws from that source and the direction she received from the City Council.

Mike Drella reiterated that many municipalities are basing their ordinances on the IML draft ordinance. Illinois state law states that a special use should only be denied for very strict reasons. If control of the allowable cannabis-related uses is built into the Zoning Ordinance, it gives the City greater control of it through proper zoning.

Daniel Arevalo asked how expired cannabis is going to be disposed of.

Mike Drella stated there are laws in place that regulate its safe disposal.

It was moved and seconded (Cantrell/Hyland) to recommend approval of case 2020-01 as presented by the staff. The motion carried with a 6-0 roll call vote.

OTHER BUSINESS: None

DISCUSSION: None

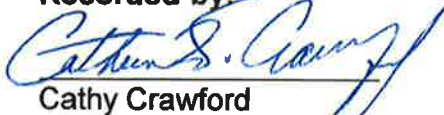
Staff Report:

Gina DelRose stated there will be no meeting in February, 2020. The Ida Public Library will be welcoming a new director soon. The Buchanan Street Strolls will be extended to include more event dates in 2020. The 2020 Census is starting soon.

ADJOURNMENT:

The meeting adjourned at 7:07 p.m.

Recorded by:


Cathy Crawford
Administrative Assistant

Reviewed by:


Gina DelRose
Community Development Planner