

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

**Tuesday, April 9, 2019
City Council Chambers
401 Whitney Boulevard
6:00 pm**

ROLL CALL

Members Present:

Alissa Maher, CHM
Daniel Arevalo, VCHM
Carl Gnewuch
Robert Cantrell
Andrew Racz
Art Hyland

Staff Present:

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

Members Absent:

Paul Engelman

Chairman Alissa Maher called the meeting to order at 6:04 p.m.

MINUTES: It was moved and seconded (Arevalo/Cantrell) to approve the minutes of March 12, 2019. The motion carried with a 6-0 roll call vote.

PUBLIC COMMENT: None

UNFINISHED BUSINESS:

2019-04; LHC Properties, LLC/Coach's Corner (VAR):

Application of Ryan Crombie, 201 S. 8th Street, South Beloit, IL 61080 on behalf of the property owner, LHC Properties, LLC, 201 S. 8th Street, South Beloit, IL 61080 for a variance to reduce the required setback from residentially-zoned property from 300 feet to 0 feet. Specifically, allowing outdoor commercial entertainment to occur zero feet from a residentially-zoned property at 622 S. State Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.204(D)(10)(A)(1) and 150.909 Variance Review and Approval Procedures) in the CB, Commercial Business District on approximately 0.50 acres. PIN:05-36-104-025

It was moved and seconded (Gnewuch/Cantrell) to remove Case 2019-04 from the table. The motion carried with a 6-0 voice vote.

Mike Drella said the City Council approved the special use that the variance was dependent on.

It was moved and seconded (Racz/Cantrell) to accept the findings of fact as presented. The motion carried with a 6-0 roll call vote.

It was moved and seconded (Racz/Cantrell) to approve Case 2019-04 as presented. The motion carried with a 6-0 roll call vote.

NEW BUSINESS:

2019-06; 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 150.706(D) Requirements for Exterior Commercial Vehicle and Equipment Storage in Office and Commercial Districts, Section 150.1011 Temporary Signs, Table 150.1007(A)1 Freestanding Signs, Table 150.1007(B)1 Building Signs, Table 150.1007(C)1 Permitted Building and Freestanding Sign by Type and Zoning District, Section 150.204(A)(5)(A)(7) Mobile Home Park Residential Development, Appendix C Land Use Summary Chart regarding Mobile Home Subdivision or Park, Appendix C Land Use Summary Chart regarding signage as a special use, Section 150.105(C)(1)(C)(2) Animated Signage, Section 150.105(C)(2)(C)(2) Animated Signage Section 150.105 (C)(3)(C)(2) Animated Signage, Section 150.105 (C)(4)(C)(2) Roof, Above Peak Signage, Section 150.105(C)(5)(C)(2), Roof Above Peak Signage, Section 150.105(C)(7)(C)(2) Roof, Above Peak Signage, Section 150.105 (C)(8)(C)(2) Roof, Above Peak Signage and Section 150.105(C)(9)(C)(2) Roof, Above Peak Signage and Section 150.902 Amendment of Zoning Regulations (Text Amendments). The proposed language is below.

The public hearing was opened at 6:09 p.m.

Gina DelRose was sworn in and summarized the staff report dated April 2, 2019. Ms. DelRose presented an amended page from the staff report that shows a change in the proposed language of the ordinance as well as providing clarification of the proposed temporary sign amendments. Ms. DelRose stated the case was published in the Boone County Journal on March 22, 2019 and notices were sent to staff on March 22, 2019.

Gina DelRose said text amendments are proposed as issues with the language of the Zoning Ordinance come up throughout the year. Periodically, the staff will compile those issues and propose amendments to the code. The proposed case is such a compilation.

Gina DelRose detailed the proposed text amendments. The first proposed amendment was to strike language referring to semi-trucks in Section 150.706(D)(1). In 2008 there was a text amendment to limit the allowance of semi-trucks to those actively loading and unloading (Section 150.105(C)(7)(D)(3). Section 150.706(D)(1) should have been amended at that time to reflect this prohibition of semi-truck parking in commercial and office districts. The proposed language removal will provide consistency regarding semi-trucks.

The second portion refers to temporary signage. It was noted that the zoning code was being interpreted to read that the code did not require any time limit on the placement of temporary signage of less than 32 square feet; many businesses were using temporary signage year-round as a substitute for permanent signage. When the code was changed to allow animated signage, this eliminated much of the need for temporary signage, as the changing display can reflect many of the items traditionally on temporary signs. The proposed text amendment in this section also proposes listing the different requirements under the temporary sign code separately for more clarity.

Gina DelRose stated that in 2017 there was a text amendment to update the signage portion of the Zoning Ordinance. The NC requirements were accidentally removed when classifications of zoning districts were updated. NC stands for non-conforming. There are grandfathered uses in the residential districts, most commonly churches, but there are some commercial and industrial uses as well. The NC portion of the sign code allowed for these non-residential uses to have limited signage. Staff recommends inserting the word "institutional" as well to accommodate all potential non-conforming land uses.

The next proposed text amendment regulates mobile home developments. Mobile Home Parks include one large parcel with lots for rent; Mobile Home Subdivisions include individual lots for purchase. Although #7 in each section has the same 15-foot separation requirement, one uses the word "unit" and one uses the word "structure". For consistency, staff recommends that the word "structure" be used in each section when referring to separation distances. The separation is not only from the mobile home itself, but from accessory structures such as decks, porches, etc.

Gina DelRose said clarification to the Appendix C Land Use Summary Chart is being proposed; the chart incorrectly references the section of the Zoning Ordinance that regulates Mobile Home Developments.

In an effort to make sign regulations easier to follow and for the Land Use tables/charts to be more consistent, the final proposed changes to the two types of signs regulated by special use (animated and above roof peak) are listed in the appropriate zoning district tables and accessory land use chart.

Mike Drella said the proposed text amendments represent attempts by the staff to clear up errors and inconsistencies in the Zoning Ordinance. Mr. Drella said the most substantive change proposed is to the limit on allowable days for temporary signage.

Daniel Arevalo, referring to Section 150.1011(E), asked for clarification of the days that political signs are allowed to be displayed.

Gina DelRose stated there is no time limit for political signs. Ms. DelRose said the section Mr. Arevalo refers to regulates only the size of political signs.

Mike Drella stated that by Supreme Court ruling, there can be no temporal limit for political signs to be displayed.

Gina DelRose stated the signs listed in Section (E) do not have a time frame.

Carl Gnewuch asked if flags are exempt from the section of the code in question.

Gina DelRose said the height of flagpoles is regulated but not the content of a flag displayed.

It was moved and seconded (Cantrell/Arevalo) to recommend approval of the proposed text amendments. The motion carried with a 6-0 roll call vote.

2019-07; City of Belvidere (VAR):

Application of the City of Belvidere, 401 Whitney Boulevard, Belvidere, IL 61008 for a variance to reduce the required active outdoor recreational setback from 50 feet to 15 feet along the southern property line and from 50 feet to 35 feet along the eastern property line to allow for a public playground and pavilion at 301 High Line Street in the MR-8L, Multi-Family Residential-8 Large District (Belvidere Zoning Ordinance Sections 150.204 (C)(2)(A)(2) and 150.909 Variance Review and Approval). PIN: 05-22-451-012

The public hearing was opened at 6:21 p.m.

Gina DelRose was sworn in and summarized the staff report dated April 3, 2019. Ms. DelRose said the case was published in the Boone County Journal on March 22, 2019 and certified mailings were sent to property owners within 250 feet of the subject property on March 22, 2019.

Gina DelRose said the City of Belvidere is the property owner and applicant. In 2015, the City acquired the vacant parcel and in 2017, moved their Summer Food Service Program to the site on Friday afternoons in order to serve a larger amount of children. Building on this program, the Belvidere Police and Fire Departments as well as the Belvidere Family YMCA were present on Friday afternoons to engage in activities with the families attending. The overwhelmingly positive response to the programs resulted in the Belvidere Family YMCA planning to provide summer lunches Monday through Friday from May to August. Positive impacts on the neighborhood have been noted and crime in the neighborhood has been reduced as a result.

In 2018 the playground was constructed. A small triangle of land just south of the site, containing municipal infrastructure, (granted by easement) was purchased in 2018 and will be annexed into the City by the summer of 2019.

The City is proposing a 24-foot by 40-foot pavilion to be constructed near the playground and existing infrastructure. The pavilion will provide shelter during summer program activities and allow neighborhood families to have a place to gather. Due to the existing site conditions, the pavilion will be located closer than 50 feet to the east and south property lines. High Line Street acts as a buffer between the pavilion and residents to the east. Vacant land acts as an additional buffer.

The subject property exceeds the minimum lot width of 75 feet in the MR-8L District and the minimum lot size of 15,000 square feet. A multi-family residence could have been constructed 30 feet from the eastern property line and 25 feet from the southern property line. Recreational structures require 50-foot setbacks. If the owner of a housing complex wished to construct a playground and pavilion for its residents to use, the structure would need to meet the accessory setback of 30 feet from the right-of-way and three feet from the side and rear lot lines. This would allow the structure to be closer than the City is proposing for its public playground and pavilion.

The staff recommends approval of case 2019-07.

The chair asked if there were questions for the staff.

Carl Gnewuch asked if agriculturally zoned land was adjacent to the proposed site.

Gina DelRose said yes.

Daniel Arevalo asked if any other amenities or features will be built under the pavilion.

Gina DelRose said the site would be improved as time went on.

Carl Gnewuch asked who would be the entity regulating the new pavilion.

Gina DelRose said the City will be overseeing the park; since it is a publicly-owned park, it is open for anyone's use.

Mike Drella clarified that the site is in use for the Summer Food Service Program.

Gina DelRose said this was correct.

Mike Drella asked if it would be correct to say the pavilion would allow families to eat out of the sun and rain.

Gina DelRose said this was correct. The Summer Lunch program had to be cancelled on a number of occasions due to inclement weather which was unfair to children relying on it for their lunch.

Daniel Arevalo asked if the pavilion would be constructed of wood.

Gina DelRose said she believed this was correct; there would be a cement base.

Alissa Maher asked if any other interested parties had questions for the staff.

Guadalupe Aquino asked if the plan for the pavilion includes parking.

Gina DelRose said the City purchased the circular drive at the site and may be adding parking at a later date.

Guadalupe Aquino said the neighborhood is already short of adequate parking and the addition of a pavilion would make the issue worse as well as create trash and privacy issues. Mrs. Aquino said the pavilion is good for the community, but would create a negative impact on the neighborhood.

Gina DelRose said the pavilion would mainly be used by people living in the neighborhood and the staff does not anticipate a large amount of additional traffic.

Guadalupe Aquino said when parties are held in the neighborhood there is always a parking issue now. Mrs. Aquino said when they bought the house they did not anticipate such an issue.

Gina DelRose said that the property is zoned MR-8L and an eight-unit apartment building could be on the proposed site. Ms. DelRose said there will be buffers in place to prevent some of the issues Mrs. Aquino worries about. Staff will also be present during community events.

Guadalupe Aquino said her largest concern is the parking issue. Mrs. Aquino said the police have come to their house many times with complaints about the presence of her trucks which, according to Mrs. Aquino, are allowed. Mrs. Aquino said if an apartment building was built there, it would include adequate parking.

Gina DelRose said this is correct; however, the anticipation is that there will not be a large amount of additional parking needed at the site. People will mainly walk to the facility.

Guadalupe Aquino said the pavilion, however, would be free to use and would attract people having parties.

Alissa Maher said it was appropriate to swear in Mrs. Aquino.

Guadalupe Aquino was sworn in. Mrs. Aquino repeated her concern that the parking at the proposed site would be inadequate for a pavilion to be built there.

The public hearing was closed at 6:48 p.m.

It was moved and seconded (Cantrell/Hyland) 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 (Racz/Cantrell) to approve Case 2019-07 as presented. The motion carried with a 6-0 roll call vote.

OTHER BUSINESS: Elections

It was moved and seconded (Racz/Gnewuch) to nominate Daniel Arevalo as Chair and Alissa Maher as Vice-Chair.

Daniel Arevalo was voted Chair and Alissa Maher voted as Vice-Chair with a 6-0 roll call vote.

DISCUSSION: None

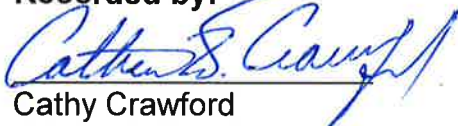
Staff Report:

Gina DelRose said there will be two cases before the Commission in May, 2019, a rezoning and a special use.

ADJOURNMENT:

The meeting adjourned at 6:51 p.m.

Recorded by:



Cathy Crawford
Administrative Assistant

Reviewed by:



Gina DelRose
Community Development Planner