

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

Tuesday, June 11, 2019

City Council Chambers

401 Whitney Boulevard

6:00 pm

ROLL CALL

Members Present:

Daniel Arevalo CHM

Art Hyland

Carl Gnewuch

Robert Cantrell

Andrew Racz

Staff Present:

Gina DelRose, Community Development Planner

Cathy Crawford, Administrative Assistant

Michael Drella, City Attorney

Leslie Rivera, Planning Intern

Members Absent:

Paul Engelman

Alissa Maher, VCHM

Chairman Daniel Arevalo called the meeting to order at 6:00 p.m.

MINUTES: It was moved and seconded (Cantrell/Racz) to approve the minutes of May 14, 2019. The motion carried with a 5-0 voice vote.

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

2019-11; Expresslane, Inc. (SU): Expresslane Inc., 1305 12th Avenue, Rock Falls, IL 61071 on behalf of the property owner, Arthur J. Johnson Family Trust, 1305 12th Avenue, Rock Falls, IL 61071, is requesting a special use for indoor commercial entertainment to operate a bar with video gaming at 1024 North State Street within the GB, General Business District (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures).

The public hearing opened at 6:02 p.m.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on May 24, 2019 and notices were sent by certified mail to residents within 250 feet of the subject property on May 21, 2019. Ms. DelRose summarized the staff report dated June 6, 2019.

Gina DelRose stated the property was formerly a bank and was redeveloped as the Shell gas station in 1990. The site has adequate parking for both the gas station

and gaming uses. As a condition of the special use, parking spaces will need to be adequately measured and striped in compliance with city ordinances. Public improvements can be made on the adjacent vacant properties to provide adequate parking in the case that the twelve available spaces do not meet the zoning requirements.

The proposed gaming machines and bar would be located to the north of the entrance doors. A partial wall will be constructed to portion off the 100-square foot gaming area from the remainder of the gas station and within a clear line of sight from the cashier's counter. This gas station is not open twenty-four hours a day, although the Zoning Ordinance permits such hours. If the gas station should change its hours, the gaming machines will only be operational between 6:00 a.m. and 2:00 a.m. when liquor is allowed to be sold.

The Kelly Williamson Mobil station is the only gas station that allows for the consumption of alcohol on-site. The Speedway gas station on Crystal Parkway is able to offer video gaming without the allowance of alcohol consumption on-site due to its status as a truck stop. Ms. DelRose stated the staff is not aware of any problems video gaming or alcohol has created at either site.

Ms. DelRose summarized the history of video gaming law changes locally. In 2018, Belvidere voted to limit the number of video gaming licenses to 30. 27 licenses have been issued; this application would be the 36th establishment to be eligible to apply for such a license. The applicant is aware that granting of the special use does not guarantee them a video gaming license.

Gina DelRose summarized the findings and stated that the staff recommends approval of the special use subject to the following conditions:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.
2. Alcohol consumption is only permitted within the video gaming area.
3. The video gaming area must be enclosed and only accessible through a designated entrance.
4. The parking lot shall be restriped in accordance with the Belvidere Zoning ordinance.
5. Substantial compliance with the site plan submitted.

The chairman invited questions for staff from the commissioners.

Robert Cantrell asked if the proposed gaming facility would be allowed to have five or six gaming machines.

Gina DelRose said it is possible they could offer six machines if permitted.

Mike Drella said the City's limit of five machines could only be expanded to six machines if the current code were amended to allow it.

Robert Cantrell asked if a sixth machine would involve an extra fee.

Gina DelRose stated the City fee is \$500.00 per machine.

Seeing no further questions from the commission, the chair invited questions from other interested parties. There were none.

The applicant stated they did not wish to provide any further testimony.

The public hearing was closed at 6:10 p.m.

It was moved and seconded (Racz/Cantrell) to accept the finding of fact as presented by the staff. The motion carried with a 5-0 roll call vote.

It was moved and seconded (Cantrell/Hyland) to approve case 2019-11 subject to the 5 conditions presented. The motion carried with a 5-0 roll call vote.

Gina DelRose stated the case would move forward to the City Council for a first reading on June 17, 2019 and a second reading and vote on July 1, 2019.

OTHER BUSINESS: None

DISCUSSION: None

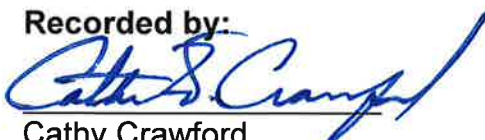
Staff Report:

Gina DelRose stated there would be no cases before the commission in July. They would, however, be notified of any applications for the August meeting. Ms. DelRose reminded the commission of the upcoming Heritage Days celebration.

ADJOURNMENT:

The meeting adjourned at 6:16 p.m.

Recorded by:



Cathy Crawford
Administrative Assistant

Reviewed by:



Gina DelRose
Community Development Planner