

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION AGENDA
Tuesday, October 11, 2022
City Council Chambers
401 Whitney Boulevard
6:00 pm**

ROLL CALL

Members:

Paul Engelman, CHM
Daniel Druckrey, VCHM
Carl Gnewuch
Robert Cantrell
Art Hyland
Alissa Maher
Brad Anderson

Staff:

Gina DelRose, Community Development Planner
Kim Whitt, Administrative Assistant

MINUTES: Approve the minutes of the August 9, 2022 meeting.

PUBLIC COMMENT:

UNFINISHED BUSINESS: None.

NEW BUSINESS:

2022-23: OM Belvidere Liquor Inc., 105 West Harrison Street (SU): Application of OM Belvidere Liquor Inc, 200 S. Frontage Road, Burr Ridge, IL 60527 on behalf of the property owner, KAH III, LLC, 2701 W. Lawrence Avenue #100, Springfield, IL 62704 for a special use to permit indoor commercial entertainment which includes video gaming at 105 W. Harrison Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the GB, General Business District on 0.81 acres. PIN: 05-26-129-013

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

2022-24: Allen, 508 South State Street (SU): Application of Romaine Allen, 627 E. Pleasant Street, Belvidere, IL on behalf of the property owner, Norman Dorsch, PO Box 35, Roscoe, IL 61073 for a special use to permit indoor commercial entertainment which allows for a bar/tavern and video gaming at 508 South State Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(6)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the CB, Central Business District on 0.10 acres. PIN: 05-25-360-002.

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

OTHER BUSINESS:

Comprehensive Plan Update

DISCUSSION:

Worklist

Staff report

ADJOURNMENT

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

Tuesday, August 9, 2022

City Council Chambers

401 Whitney Boulevard

6:00 pm

ROLL CALL

Members Present:

Paul Engelman, Chair

Carl Gnewuch

Alissa Maher

Art Hyland

Bob Cantrell

Staff Present:

Gina DelRose, Community Development Planner

Kimberly Whitt, Administrative Assistant

Mike Drella, City Attorney

Members Absent:

Daniel Druckrey Vice-Chair

Brad Anderson

The meeting was called to order at 6:03 p.m.

MINUTES: It was moved and seconded (Cantrell/Hyland) to approve the minutes of the July 12, 2022 meeting. The motion carried with a 5-0 roll call vote.

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

2022-18: Belvidere Retail, LLC (PP): Application of Belvidere Retail, LLC for preliminary plat approval for Belvidere Retail Subdivision. The plat consists of 7 lots comprised of approximately 43 acres. Parts of PINs: 07-01-276-004 and 08-06-100-003.

Ms. DelRose summarized the staff report dated August 3, 2022.

There was discussion.

It was moved and seconded (Cantrell/Maher) to recommend approval of Case 2022-18 subject to the conditions presented by staff. The motion carried with a 5-0 roll call vote.

Gina DelRose stated the case would go to City Council on August 15, 2022 and on September 6, 2022 for a second reading and final vote.

2022-19: Belvidere Retail, LLC (FP): Application of Belvidere Retail, LLC for final plat approval for Belvidere Retail Subdivision. The plat consists of 7 lots comprised of approximately 43 acres. Parts of PINs: 07-01-276-004 and 08-06-100-003.

Ms. DelRose summarized the staff report dated August 3, 2022.

There was discussion.

It was moved and seconded (Maher/Cantrell) to recommend approval of Case 2022-19 subject to the conditions presented by staff. The motion carried with a 5-0 roll call vote.

Gina DelRose stated the case would go to City Council on August 15, 2022 and on September 6, 2022 for a second reading and final vote.

2022-20: Belvidere Retail, LLC (MA-PB): Application of Belvidere Retail, LLC, 5277 Trillium Boulevard, Hoffman Estates, IL 60192 on behalf of the property owner Donald K. Busch, Sr., 7301 W. Ridge lane, Cherry Valley, IL 61016 for a map amendment (rezoning) on approximately 23 acres north of I-90 between Tripp and Genoa Roads, Belvidere, IL from RH, Rural Holding District (pending annexation) to PB, Planned Business District pursuant to the Belvidere Zoning Ordinance Section 150.903 Amendment to Official Zoning Map. Part of PINs: 07-01-276-004 and 08-06-100-003.

The public hearing opened at 6:36 pm.

Gina DelRose was sworn in. Ms. DelRose summarized the staff report dated August 2, 2022. Ms. DelRose stated the case was published in the Boone County Journal on July 21, 2022 and notifications were sent by certified mail to property owners within 250 feet of the subject property on July 19, 2022.

There was discussion.

The public hearing was closed 6:54 pm.

It was moved and seconded (Maher/Cantrell) to recommend approval of Case 2022-20. The motion carried with a 5-0 roll call vote.

Gina DelRose stated the case would go to City Council on August 15, 2022 and on September 6, 2022 for a second reading and final vote.

2022-21: Belvidere Retail, LLC (MA-PI): Application of Belvidere Retail, LLC, 5277 Trillium Boulevard, Hoffman Estates, IL 60192 on behalf of the property owner Donald K. Busch, Sr., 7301 W. Ridge lane, Cherry Valley, IL 61016 for a map amendment (rezoning) on approximately 18 acres north of I-90 between Tripp and

Genoa Roads, Belvidere, IL from RH, Rural Holding District (pending annexation) to PI, Planned Industrial District pursuant to the Belvidere Zoning Ordinance Section 150.903 Amendment to Official Zoning Map. Part of PINs: 07-01-276-004 and 08-06-100-003.

The public hearing opened at 6:36 pm.

Gina DelRose was sworn in. Ms. DelRose summarized the staff report dated August 2, 2022. Ms. DelRose stated the case was published in the Boone County Journal on July 21, 2022 and notifications were sent by certified mail to property owners within 250 feet of the subject property on July 19, 2022.

There was discussion.

The public hearing was closed 6:54 pm.

It was moved and seconded (Maher/Cantrell) to recommend approval of Case 2022-21. The motion carried with a 5-0 roll call vote.

Gina DelRose stated the case would go to City Council on August 15, 2022 and on September 6, 2022 for a second reading and final vote.

2022-22: OM Belvidere Group, LLC (SU): Application of OM Belvidere Group, LLC, 5277 Trillium Boulevard, Hoffman Estates, IL 60192 on behalf of the property owner Donald K. Busch, Sr., 7301 W. Ridge Lane, Cherry Valley, IL 61016 for a special use to permit a planned development in the PB, Planned Business District (pending rezoning approval) at the southwest corner of Genoa Road and Crystal Parkway, Belvidere, IL 61008. The planned development will allow for the following departures: Sections 150.105(C)(4)(B)(2) allowing for in-vehicle sales or service and indoor commercial entertainment (fueling station, drive-through lanes and video gaming), 150.704(F)(7) allowing for parking spaces smaller than 180 square feet (162 square feet), 150.707(3)(A) allowing for lighting levels greater than 0.50 foot-candles at the property line (6.9 foot-candles), 150.712(C)(3) allowing for a fence in the front yard greater than 4 feet tall (7 feet tall), Table 150.1007(A)(1) allowing for a sign greater than 40 feet tall and 150 square feet (125 feet tall, 1,650 square feet in size on south side of property), Table 150.1007(A)(1) allowing for a sign greater than 150 square feet (300 square feet on north side of property), Table 150.1007(B)(1) allowing for more than two signs per wall (4 signs per wall), 150.1010 allowing for off-site signage (on south side of property), 150.1012(A)(1) allowing a mural (on fueling station), and 150.904 Special Use Review and Approval Procedures). The planned development is being requested in order to construct a fueling center with drive-through restaurants, video gaming and a mural on proposed Lot 2 of the preliminary plat of Belvidere Retail Subdivision. Part of PINs: 08-06-100-003 and 07-01-276-004

The public hearing opened at 6:58 pm.

Gina DelRose was sworn in. Ms. DelRose summarized the staff report dated August 3, 2022. Ms. DelRose stated the case was published in the Boone County Journal on July 21, 2022 and notifications were sent by certified mail to property owners within 250 feet of the subject property on July 19, 2022.

There was discussion.

The public hearing was closed 7:27 pm.

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

It was moved and seconded (Maher/Cantrell) to recommend approval of Case 2022-22 with the conditions as presented by staff. The motion carried with a 5-0 roll call vote.

Gina DelRose stated the case would go to City Council on August 15, 2022 and on September 6, 2022 for a second reading and final vote.

OTHER BUSINESS: None

DISCUSSION: None

Staff Report

Gina DelRose stated there are no cases for September 2022. There will be no meeting in September.

ADJOURNMENT:

The meeting adjourned at 7:37 p.m.

Recorded by:

Reviewed by:

Kimberly Whitt
Administrative Assistant

Gina DelRose
Community Development Planner

CITY OF BELVIDERE
Community Development



BUILDING DEPARTMENT

PLANNING DEPARTMENT

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

October 4, 2022

ADVISORY REPORT

CASE NO: 2022-23

APPLICANT: OM Belvidere Liquor, 105 W. Harrison Street

REQUEST AND LOCATION:

The applicant, OM Belvidere Liquor Inc, 200 S. Frontage Road, Burr Ridge, IL 60527 on behalf of the property owner, KAH III, LLC, 2701 W. Lawrence Avenue #100, Springfield, IL 62704 for a special use to permit indoor commercial entertainment which includes video gaming in the GB, General Business District at 105 W. Harrison Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures). The subject property is 0.81 in size and is developed with a commercial building and parking area. PIN: 05-26-129-013.

EXISTING LAND USE:

Subject property: Vacant commercial building

North: KFC Restaurant

South: Shell Gas Station

East: Multi-tenant commercial building

West: Residential

CURRENT ZONING:

Subject property: GB, General Business District

North, South and East: GB, General Business District

West: SR-6, Single Family Residential-6 District

COMPREHENSIVE PLAN:

Subject property: General Business

North, South and East: General Business

West: Single Family Residential

BACKGROUND:

The property is located at the northwest corner of Harrison Street and North State Street and is part of the North State Street commercial corridor. A variety of commercial uses have operated on the property, including the long-operating Huddle Restaurant. When the Huddle Restaurant

closed in 2008, Family Video redeveloped the property with the current 5,040 square-foot building but ultimately closed in 2020. Since then, an online grocery delivery business known as Go Puff operated briefly out of the building.

The property is zoned General Business District. Several land uses are allowed to operate on the property by right (not requiring city council approval) such as professional services, offices, indoor retail sales and indoor maintenance services. More intense land uses such as indoor commercial entertainment, outdoor commercial entertainment, in-vehicle sales and service and vehicle repair and maintenance require a special use. There are no restrictions for hours of operating in the General Business District. This means a retail liquor can operate on-site and the hours of operation are not restricted, except alcohol sales.

The special use being requested is only for the indoor commercial entertainment aspects of the business. Indoor Commercial Entertainment uses include taverns, theaters, bowling alleys, arcades (including video gaming), roller rinks and pool halls. Although retail sales of alcohol are permitted, on-site consumption in this situation would be considered indoor commercial entertainment. Due to the size of the building certain land uses such as theaters, bowling alleys and roller rinks would not be feasible. Taverns, arcades and pool halls would be.

At this time, the applicant is not requesting a special use for outdoor commercial entertainment. Outdoor activities such as music, beer gardens, etc. are not permissible.

The Zoning Ordinance was updated in 2006 requiring a special use for Indoor Commercial Entertainment. Bars and taverns that were in existence prior to that date have been considered "grandfathered" for the bar use. In 2013, Illinois State Law allowed municipalities to determine that video gaming would be permitted within their jurisdiction. The State limits the number of machines to six per establishment and every establishment must have a liquor license that allows for the pouring of alcohol (except for those that qualify as a truck stop). In 2013, Belvidere voted to allow video gaming and in 2020, the City Council voted to increase the limit on the number of gaming establishments from 30 to 40. Currently 38 of the 40 available licenses have been issued. Although the special use for indoor commercial entertainment allows for various businesses, the applicant is aware that granting the special use does not guarantee them the ability to have video gaming machines.

TREND OF DEVELOPMENT:

The subject property is located at the intersection of North State Street and Harrison Avenue which is the southern boundary of the North State Street Commercial Corridor. Several businesses have either recently located to North State Street or have gone through extensive renovations. Harrison Avenue consists of primarily established residential development until it intersects with North State Street.

COMPREHENSIVE PLAN:

The subject property is designated as "General Business" by the City of Belvidere Comprehensive Plan adopted July 15, 1999. The General Business map category encourages indoor commercial, office, institutional and controlled outdoor display land uses with moderate landscaping and signage.

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.

Both the commercial and residential areas near the subject property are well established. The development of a new commercial business that may include on-site consumption of alcohol and video gaming is not expected to decrease the general welfare of the property. Although indoor commercial entertainment is not the predominate type of business along North State Street it is located in the immediate area. The restaurant that formerly occupied the property allowed for on-site consumption of alcohol as well. The planning staff does not foresee any negative impacts.

- 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, Section 150.904 of the Belvidere Zoning Ordinance and any other plan, program, or ordinance adopted, or under consideration pursuant to Notice of Public Hearing by the City.

The Comprehensive Plan shows the property and the majority of adjacent properties as general business. Indoor commercial land uses are appropriate and the indoor commercial land use will not be noticeable from the outside except for potential signage.

The property has adequate parking and ingress/egress off North State Street and Harrison Street. The additional traffic from the special use is not anticipated to negatively impact the accessibility of nearby businesses or residences.

- 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.

Although there is an established residential neighborhood to the west, the property fronts along North State Street and is within the North State Street commercial corridor. The property has experienced a variety of commercial uses for decades such as the Huddle Restaurant that included a bar area. A new commercial land use would not be out of character. There is a large parking lot with access off of North State Street and Harrison Street. Unless patrons live within the neighborhood, vehicle traffic will most likely utilize North State Street to access the property.

The special use for indoor commercial entertainment will not lessen the property's level of compliance with the Comprehensive Plan; the site will be required to be in conformance with the requirements of the City of Belvidere's Zoning Ordinance.

- D. Findings:** The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property, maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

The property is surrounded by established businesses and residences, land uses which are not reflected to change according to the Comprehensive Plan. The surrounding properties are accustomed to having indoor commercial entertainment, retail, restaurant and vehicle related businesses nearby. The planning staff is not aware of any negative impacts an indoor commercial entertainment business has created nearby and does not anticipate the proposed business being any different.

- 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 served with proper utilities.

- F. Findings:** The potential public benefits of the proposed special use outweighs any and all potential adverse impacts of the proposed special use after taking into consideration the Applicant's proposal and any requirements recommended to ameliorate such impacts.

The planning staff does not anticipate any potential adverse impacts of the indoor commercial entertainment land uses. The property has a history of commercial businesses, one of which included indoor commercial entertainments. Having a successful business on the property will be beneficial to the neighborhood and community.

SUMMARY OF FINDINGS:

Both the commercial and residential areas near the subject property are well established. The development of a new commercial business that may include on-site consumption of alcohol and video gaming is not expected to decrease the general welfare of the property. Although indoor commercial entertainment is not the predominate type of business along North State Street it is located in the immediate area. The restaurant that formerly occupied the property allowed for on-site consumption of alcohol as well. The planning staff does not foresee any negative impacts.

Although there is an established residential neighborhood to the west, the property fronts along North State Street and is within the North State Street commercial corridor. The property has experienced a variety of commercial uses for decades such as the Huddle Restaurant that included a bar area. A new commercial land use would not be out of character. There is a large parking lot with access off of North State Street and Harrison Street. Unless patrons live within the neighborhood, vehicle traffic will most likely utilize North State Street to access the property.

The special use for indoor commercial entertainment will not lessen the property's level of compliance with the Comprehensive Plan; the site will be required to be in conformance with the requirements of the City of Belvidere's Zoning Ordinance. The property is surrounded by

established businesses and residences, land uses which are not reflected to change according to the Comprehensive Plan.

The planning staff does not anticipate any potential adverse impacts of the indoor commercial entertainment land uses. The property has a history of commercial businesses, one of which included indoor commercial entertainments. Having a successful business on the property will be beneficial to the neighborhood and community.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **2022-23** for a special use for indoor commercial entertainment at 105 W. Harrison Street subject to the following conditions:

1. Compliance with all applicable codes and ordinances.

Submitted by:



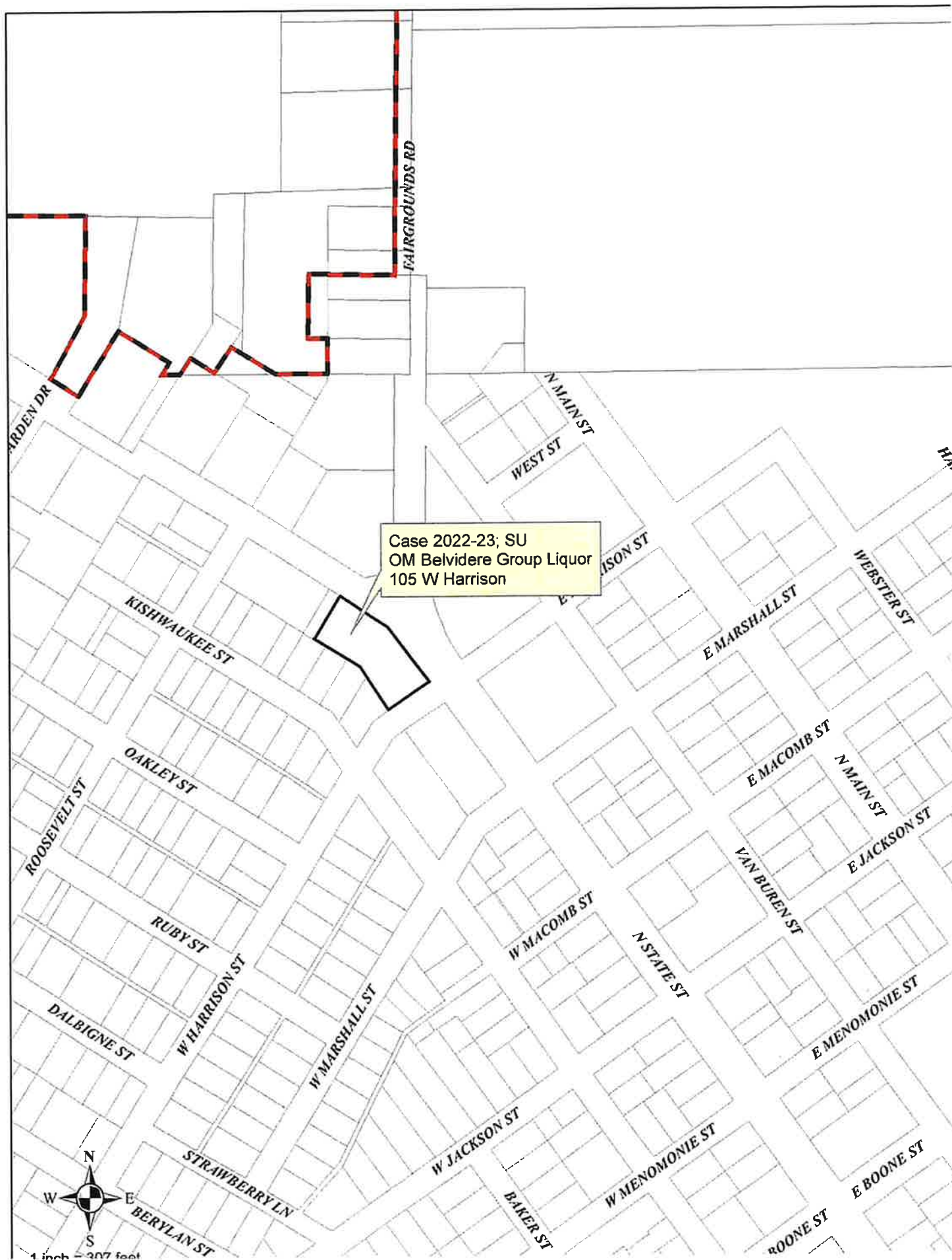
Gina DelRose, Community Development Planner

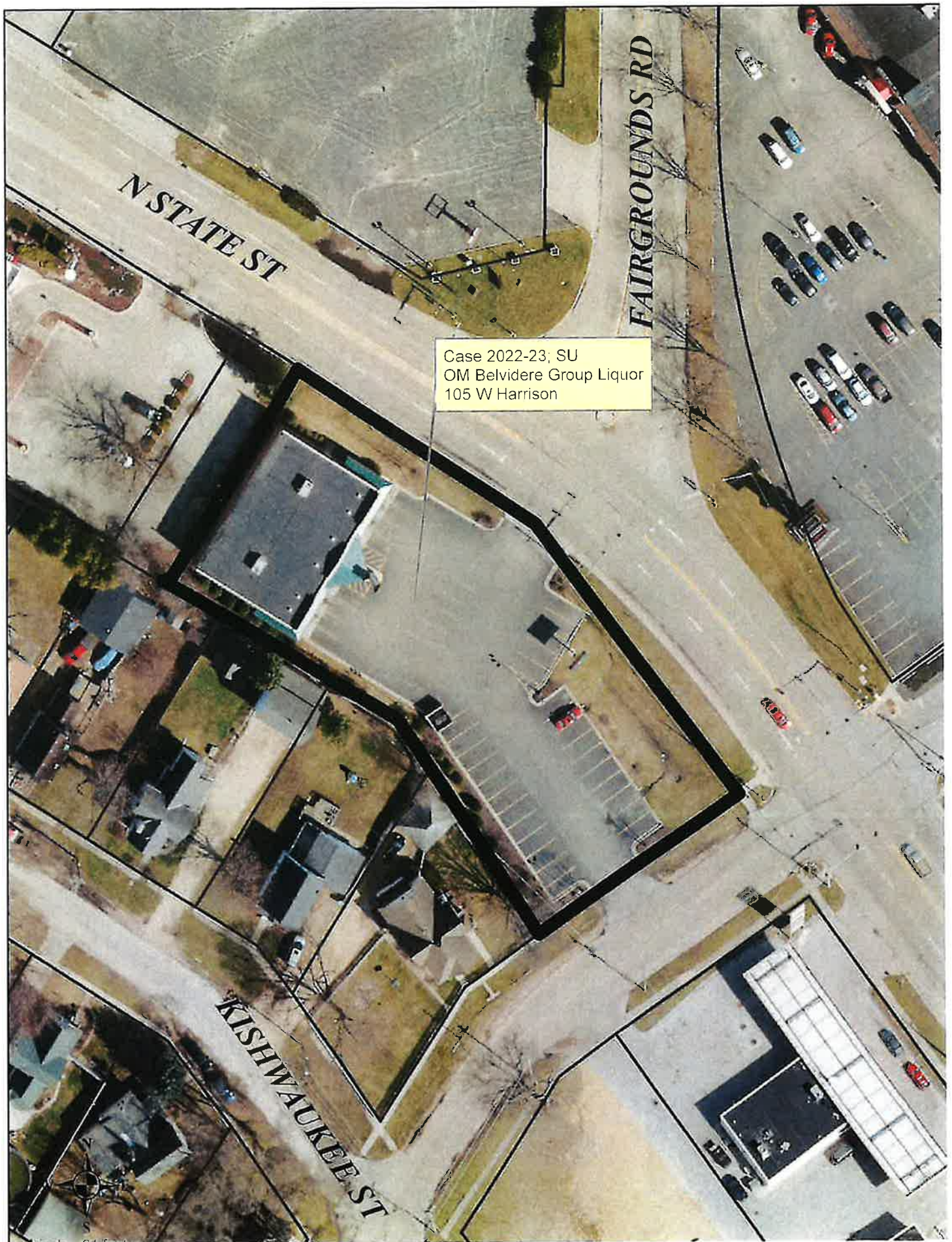
Review and Recommendation by the Planning and Zoning Commission. The Planning and Zoning Commission shall review the application, adopt findings of fact, and make a recommendation to the City Council.

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 by Planning Staff.
3. Narrative submitted by Applicant.
4. Site plans submitted by Applicant.
5. Elevations submitted by Applicant
6. Letter submitted by Teagan Duffy, Boone County Soil and Water District dated September 13, 2022.
7. Letter submitted by Amanda Mehl, Boone County Health Department dated September 21, 2022.





Case 2022-23, SU
OM Belvidere Group Liquor
105 W Harrison



200 S. Frontage Rd., Suite 310
Burr Ridge, IL 60527
(224) 388-1346
mikepatel711@gmail.com

September 7, 2022

To Whom This May Concern,

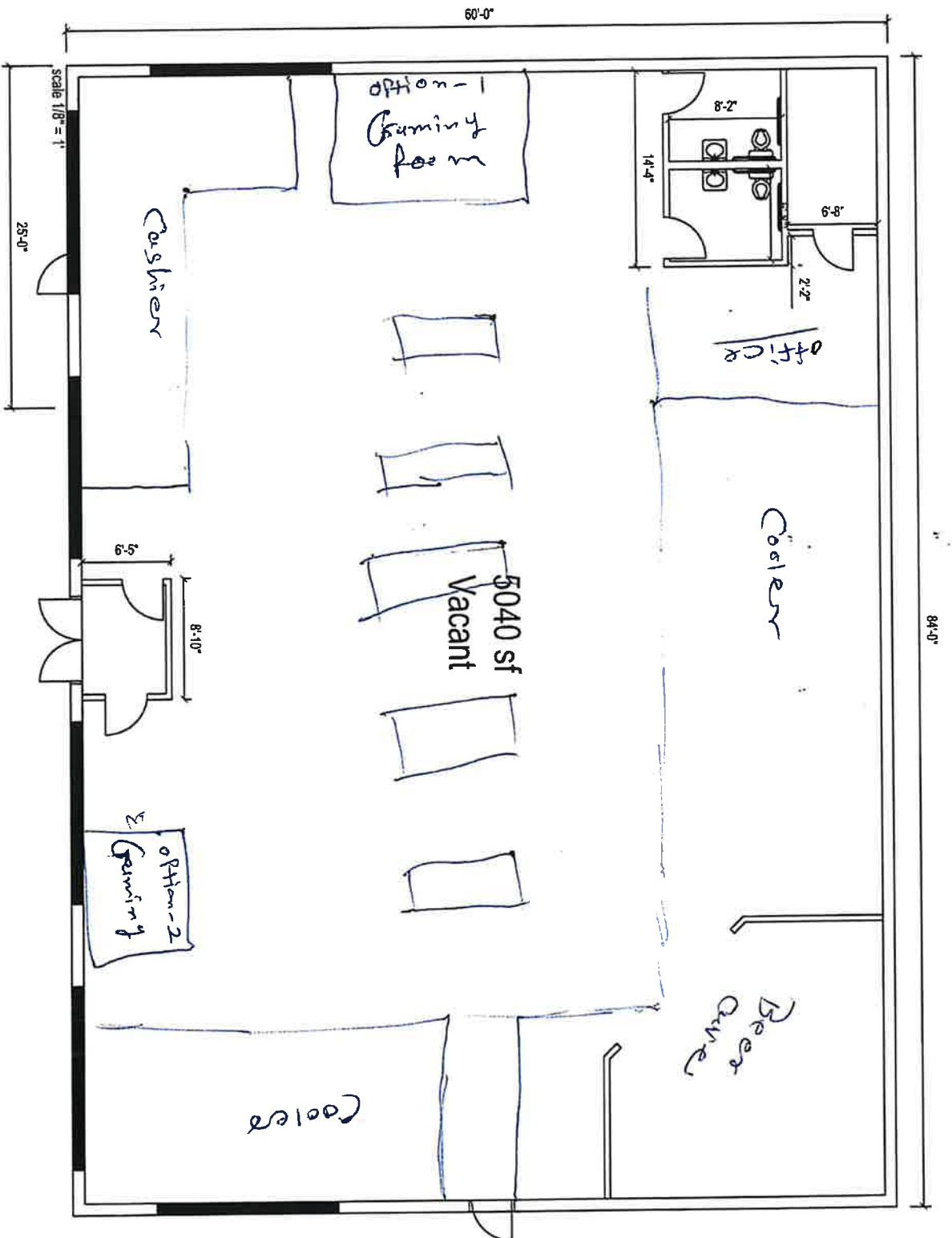
I am writing this letter for special use for building and property located at 105 W Harrison St. Belvidere, IL 61008. We are requesting for special use of Liquor store with a liquor license, tobacco license, and Video Gaming license. The entity that will own this liquor store with the special uses listed above will be Om Belvidere Liquor, inc. We are requesting this special use for video gaming license because it will be very important for the financial viability of this location. We believe our financial viability will be much better if our customers see our location is a one time stop for any tobacco and liquor needs along with any video gaming experience that the customer may want to have. We appreciate the City of Belvidere giving this strong consideration (as we are also the developers/owners of the Speedtrek Travel Center I-90 and Genoa road in Belvidere, IL) and we hope that we are granted this approval for special use.

Please reach out to me with any questions or concerns.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Mihir Patel', with a stylized flourish at the end.

Mihir Patel, President of Om Belvidere Liquor, Inc.



***EXISTING CONDITIONS: V.I.F.**
Verify all dimensions and conditions in the field. Any discrepancies in these drawings shall be brought to the attention of the owner's representative prior to the submittal of plan sets for owner and city review. Failure to do so will not be an acceptable reason for change orders.



Boone County
Soil & Water
Conservation District

211. N. Appleton Road
Belvidere, IL 61008
815-544-3465 x3

13 September 2022

SWCD NRI #: 1706

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: 105 W. Harrison St. Belvidere, IL 61008
PIN(S): 05-26-129-013

Contact	Petitioner	Owner
Mihir Patel 161 Freesia Ln. Elgin, IL 60124 (224) 388-1346 Mikepatel711@gmail.com	Same as Contact	Om Belvidere Liquor Inc. 200 S. Frontage Rd. Burr Ridge, IL 60527

Request: Special use for indoor commercial entertainment

Notes: By considering the current zoning, current land use, Geographical Information Systems maps, and requested Special Use Permit, the Boone County Soil and Water Conservation District has determined that the proposed use will have no significant impact on the natural resources on the property or surrounding area.

Sincerely,

Teagan Duffy
Boone County Soil & Water
Conservation District



Public Health
Prevent. Promote. Protect.

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

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.

September 21, 2022

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

Email: gdelrose@ci.belvidere.il.us

Re: Case: 2022-23; OM Belvidere Liquor, 105 W. Harrison Street

Dear City of Belvidere,

We are in receipt of a copy of a special use request to permit indoor commercial entertainment. Which includes video gaming at 105 W. Harrison Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the GB, General Business District on 0.81 acres. PIN: 05-26-129-013

If prepared or temperature controlled foods are served, prior to operation of the establishment a to-scale plan and a food application must be submitted to the Boone County Health Department for review. The plan review fee would be determined when menu information is submitted. Below is the county code explaining this further.

Sec. 30-35. Submission and review of plans; permits.

- (a) *Generally*, whenever a food service establishment or retail food store is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities.
- (b) *Permit required*. Any business or organization desiring to operate as a food service establishment or retail food establishment must have a current food service permit.
- (c) *Plans, inspection and approval*. Before issuing a food service permit to a new establishment, plans must be submitted to and approved by the health authority. Plans submitted for review must be accompanied by the appropriate plan review fee as listed in section 38-31.

RE: Case: 2022-23; OM Belvidere Liquor, 105 W. Harrison Street

Date: September 21, 2022

Page: 2 of 3

Food establishment classifications. All food service establishments or retail food establishments shall be categorized according to their type of operation, size of operation, and risk category of the food prepared and/or served and shall obtain a permit for the class of operation as hereinafter defined. The listing of various types of operation is not intended to be all inclusive, but typical and not limited to those mentioned. If a food establishment is not specifically listed, it shall be classified according to the class to which it most closely resembles.

- (1) *Category I High Risk Facility:* is a food establishment that presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and/or type of population served by the facility. The following criteria shall be used to classify facilities as Category I High Risk facilities:
 - a. whenever cooling of potentially hazardous foods occurs as part of the food handling operations at the facility;
 - b. when potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
 - c. if potentially hazardous foods which have been previously cooked and cooled must be reheated;
 - d. when potentially hazardous foods are prepared for off-premises service for which time-temperature requirements during transportation, holding and service are relevant;
 - e. whenever complex preparation of foods, or extensive handling of raw ingredients with hand contact for ready to eat foods, occurs as a part of the food handling operations at the facility;
 - f. if vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or
 - g. whenever serving immunocompromised individuals, where these individuals compromise the majority of the consuming population.
- (2) *Category I High Risk Multi-Department Facility:* is a food establishment that presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks. These facilities have the same criteria as Category I High Risk facilities, and have 3 or more departments within their facilities which need inspection including but not limited to main grocery, bakery, deli, meat and seafood departments.
- (3) *Category II Medium Risk Facility:* is a food establishment that presents a medium risk of causing foodborne illness based upon a few food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify facilities as Category II Medium Risk facilities:

RE: Case: 2022-23; OM Belvidere Liquor, 105 W. Harrison Street

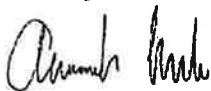
Date: September 21, 2022

Page: 3 of 3

- a. if hot or cold foods are not maintained at that temperature for more than 12 hours and are restricted to same day service;
 - b. if preparing foods for service from raw ingredients uses only minimal assembly; and
 - c. foods served at an establishment that require complex preparation (whether canned, frozen, or fresh prepared) are obtained from an approved food processing plants, (high risk) food service establishments or retail food stores.
- (4) *Category III Low Risk Facility:* is a food establishment that presents a low relative risk of causing foodborne illness based on few or no food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify facilities as Category III Low Risk facilities:
- a. only prepackaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved food processing plant;
 - b. only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages occurs at the facility; or
 - c. only beverages (alcoholic and non-alcoholic) are served at the facility.

If you have any questions or concerns, please contact us at (815) 544-2951 ext. 2 or at info@boonehealth.org.

Sincerely,



Amanda Mehl
Public Health Administrator
Boone County Health Department

AT

CITY OF BELVIDERE

Community Development



BUILDING DEPARTMENT

PLANNING DEPARTMENT

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

October 5, 2022

ADVISORY REPORT

CASE NO: 2022-24

APPLICANT: Allen, 508 S. State Street

REQUEST AND LOCATION:

The applicant, Romaine Allen, 627 E. Pleasant Street, Belvidere, IL on behalf of the property owner, Norman Dorsch, PO Box 35, Roscoe, IL 61073 is requesting a special use to permit indoor commercial entertainment which allows for a bar/tavern and video gaming at 508 South State Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(6)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the CB, Central Business District. The subject property is 0.10 acres (PIN: 05-25-360-002) and developed with a multi-tenant mixed-used building.

EXISTING LAND USE:

Subject property: Vacant

North: Niko's Cabin and La Costa Bora

South: Taqueria Restaurant

East: Doughlicious Bakery

West: Wellness Tree Chiropractic and Shannon Hart, LMT

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 property is located in the downtown commercial district. It is part of a multi-tenant building that has storefronts on both Buchanan Street and South State Street. The property has housed various retail establishments in the past but currently EK Cakery and Belvidere Master Barbers operate in the other tenant spaces and there are upstairs residential apartments as well.

The special use is to allow a new bar that is anticipated to provide live entertainment, pool tables as well as the possibility of six video gaming machines. Snacks will also be served. There have been 10 other similar special uses approved within 350 feet of the property, however, only five of the locations are currently operating.

Due to existing lot sizes, age and layout of the existing buildings as well as the intention to be pedestrian friendly, on-site parking is not required in the Central Business District. Patrons can utilize the on-street parking along South State Street, Buchanan Street or any of the nearby municipal parking lots.

The Zoning Ordinance was updated in 2006 requiring a special use for Indoor Commercial Entertainment. Bars and taverns that were in existence prior to that date have been considered "grandfathered" for the bar use. In 2013, Illinois State Law allowed municipalities to determine that video gaming would be permitted within their jurisdiction. The State limits the number of machines to six per establishment and every establishment must have a liquor license that allows for the pouring of alcohol (except for those that qualify as a truck stop). In 2013, Belvidere voted to allow video gaming and in 2020, the City Council voted to increase the limit on the number of gaming establishments from 30 to 40. Currently 38 of the 40 available licenses have been issued. Although the special use for indoor commercial entertainment allows for various businesses, the applicant is aware that granting the special use does not guarantee them the ability to have video gaming machines.

TREND OF DEVELOPMENT:

The subject property is located downtown in an area of established central business commercial and institutional uses. Several new businesses are anticipated to open in the area in the near future.

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 allowing a bar/tavern with live entertainment, pool tables and potentially video gaming machines to operate on the property. 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 property is currently surrounded by eateries, offices, apartments, retail and bars. The opening of a new bar and arcade will not 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. Bars and arcades 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 South State Street and Buchanan Street. There are also several municipal parking lots nearby. The property has had several retail businesses over the past years; staff is not aware of any traffic nuisances created by them.

The property is within the Downtown Overlay District which regulates exterior features of buildings such as signage, windows, doors, etc. The regulations of the Downtown Overlay District ensure that changes made to the building will be kept in line with the character of the neighborhood.

- 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 mixed-use building 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 business that is similar to others in the downtown area, most indoor commercial entertainment businesses have a unique style that sets them apart from other similar businesses. This allows for a wider demographic of people to be served in the downtown area. The neighborhood is a mix of residential, commercial, office and entertainment so 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 allowing a bar/tavern with live entertainment, pool tables and potentially video gaming machines to operate on the property. 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 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 business that is similar to others in the downtown area, most indoor commercial entertainment businesses have a unique style that sets them apart from other similar businesses. This allows for a wider demographic of people to be served in the downtown area. The neighborhood is a mix of residential, commercial, office and entertainment so the special use should not alter the neighborhood or create an undue burden

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The property is served by on-street parking along South State Street and Buchanan Street. There are also several municipal parking lots nearby. The property has had several retail businesses over the past years; staff is not aware of any traffic nuisances created by them.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **2022-24** for a special use at 508 S. State Street subject to the following conditions:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.
2. The special use is only for the tenant space commonly known as 508 South State Street.
3. Compliance with all other codes and ordinances.

Submitted by:

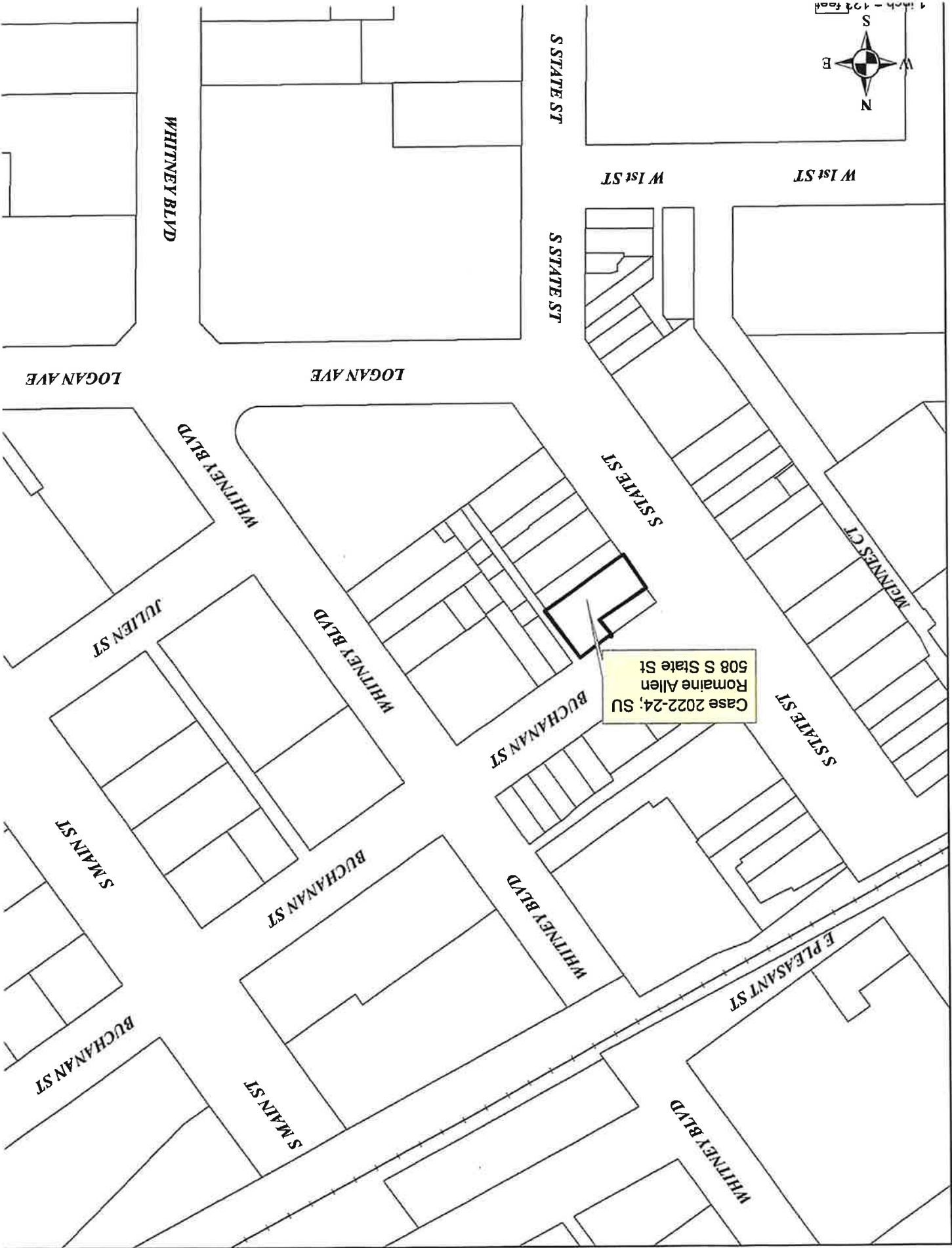

Gina DelRose
Community Development Planner

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, Teagan Duffy, September 13, 2022.
6. Letter by the Belvidere Building Department, Kip Countryman, September 21, 2022.
7. Letter submitted by the Boone County Health Department, Amanda Mehl, September 21, 2022.

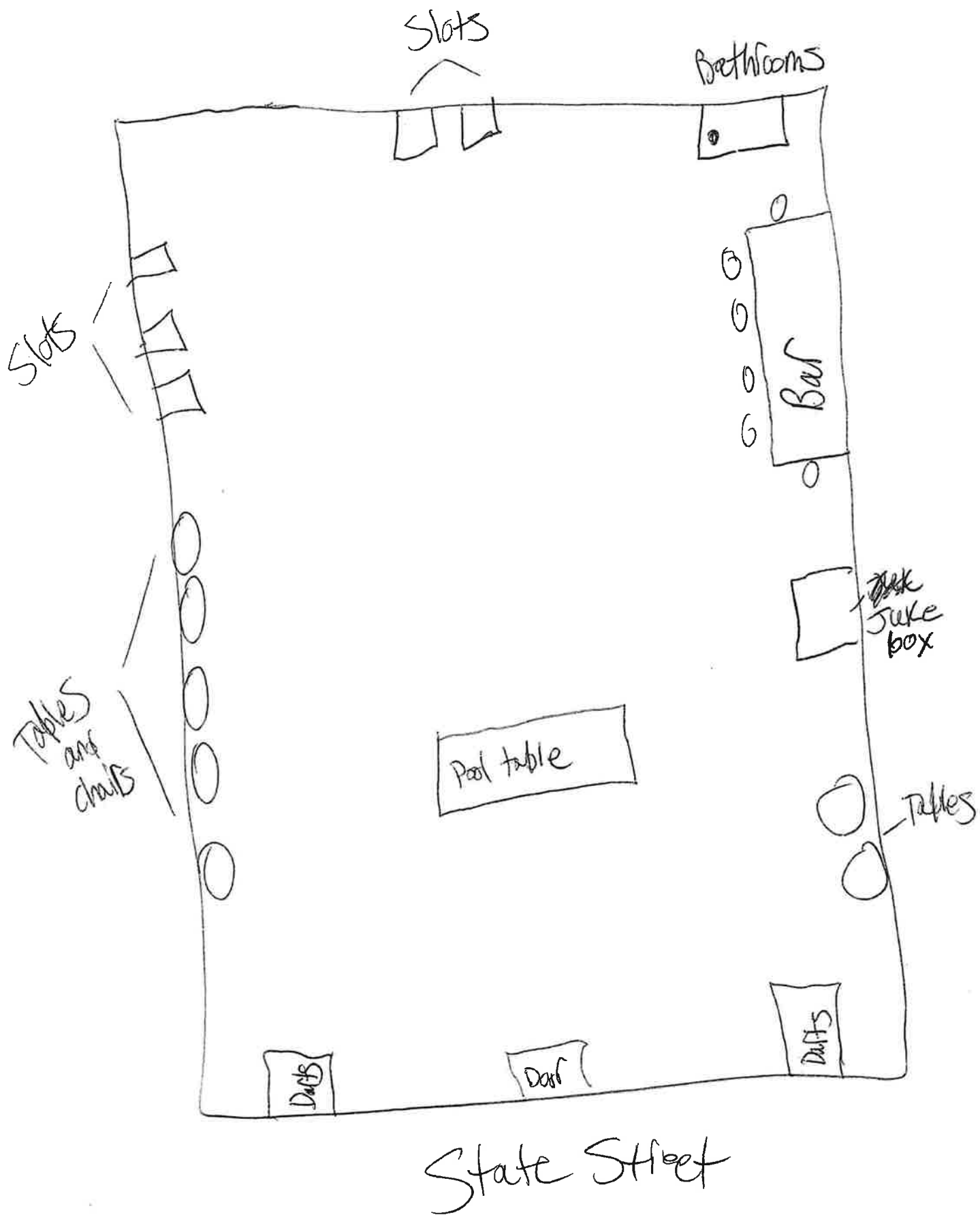


Case 2022-24; SU
Romaine Allen
508 S State St

Case 2022-24; SU
Romaine Allen
508 S State St



We plan on opening a bar/loft area right next to the barbershop that my business partner Joshua Bullock owns. We plan on serving beer and liquor for consumption on the premises. Another idea we have is to host small events such as comedy night, art shows, and other things of that nature. We will not be serving food. Only small snacks such as bags of chips and pretzels.





Boone County
Soil & Water
Conservation District

211. N. Appleton Road
Belvidere, IL 61008
815-544-3465 x3

13 September 2022

SWCD NRI #: 1707

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: 508 S. State Street, Belvidere IL 61008
PIN(S): 05-25-360-002

Contact	Petitioner	Owner
Romaine Allen 627 E. Pleasant St. Belvidere, IL 61008 815-601-5022 Romiallen@yahoo.com	Same as contact	Norman Dorsch 6523 Burr Oak Road Roscoe, IL 61073

Request: Special use for indoor commercial entertainment

Notes: By considering the current zoning, current land use, Geographical Information Systems maps, and requested Special Use Permit, the Boone County Soil and Water Conservation District has determined that the proposed use will have no significant impact on the natural resources on the property or surrounding area.

Sincerely,

Teagan Duffy
Boone County Soil & Water
Conservation District

CITY OF BELVIDERE

Community Development



BUILDING DEPARTMENT

PLANNING DEPARTMENT

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

To: Belvidere Planning and Zoning Commission

From: Kip Countryman, Director of Buildings

Date: 9/21/2022

RE: 508 South State

The special use application for assembly/commercial entertainment should be contingent upon the Building Dept. receiving Building plans from a design professional detailing the changes of use, occupancy load changes, ADA compliance, means of egress and the number of restrooms required based on the increased occupant load.

**Kip Countryman
Director of Building
City of Belvidere**



Public Health
Prevent. Promote. Protect.

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

*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.*

September 21, 2022

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

Email: gdelrose@ci.belvidere.il.us

Re: Case: 2022-24; Allen, 508 South State Street

Dear City of Belvidere,

We are in receipt of a copy of a special use request to permit indoor commercial entertainment. Which allows for a bar/tavern and video gaming at 508 South State Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(6)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the CB, Central Business District on 0.10 acres. PIN: 05-25-360-002

If prepared or temperature controlled foods are served, prior to operation of the establishment a to-scale plan and a food application must be submitted to the Boone County Health Department for review. The plan review fee would be determined when menu information is submitted. Below is the county code explaining this further.

Sec. 30-35. Submission and review of plans; permits.

- (a) *Generally*, whenever a food service establishment or retail food store is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities.
- (b) *Permit required*. Any business or organization desiring to operate as a food service establishment or retail food establishment must have a current food service permit.
- (c) *Plans, inspection and approval*. Before issuing a food service permit to a new establishment, plans must be submitted to and approved by the health authority. Plans submitted for review must be accompanied by the appropriate plan review fee as listed in section 38-31.

RE: Case: 2022-24; Allen, 508 South State Street

Date: September 21, 2022

Page: 2 of 3

Food establishment classifications. All food service establishments or retail food establishments shall be categorized according to their type of operation, size of operation, and risk category of the food prepared and/or served and shall obtain a permit for the class of operation as hereinafter defined. The listing of various types of operation is not intended to be all inclusive, but typical and not limited to those mentioned. If a food establishment is not specifically listed, it shall be classified according to the class to which it most closely resembles.

- (1) *Category I High Risk Facility:* is a food establishment that presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and/or type of population served by the facility. The following criteria shall be used to classify facilities as Category I High Risk facilities:
 - a. whenever cooling of potentially hazardous foods occurs as part of the food handling operations at the facility;
 - b. when potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
 - c. if potentially hazardous foods which have been previously cooked and cooled must be reheated;
 - d. when potentially hazardous foods are prepared for off-premises service for which time-temperature requirements during transportation, holding and service are relevant;
 - e. whenever complex preparation of foods, or extensive handling of raw ingredients with hand contact for ready to eat foods, occurs as a part of the food handling operations at the facility;
 - f. if vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or
 - g. whenever serving immunocompromised individuals, where these individuals compromise the majority of the consuming population.
- (2) *Category I High Risk Multi-Department Facility:* is a food establishment that presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks. These facilities have the same criteria as Category I High Risk facilities, and have 3 or more departments within their facilities which need inspection including but not limited to main grocery, bakery, deli, meat and seafood departments.
- (3) *Category II Medium Risk Facility:* is a food establishment that presents a medium risk of causing foodborne illness based upon a few food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify facilities as Category II Medium Risk facilities:

RE: Case: 2022-24; Allen, 508 South State Street

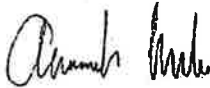
Date: September 21, 2022

Page: 3 of 3

- a. if hot or cold foods are not maintained at that temperature for more than 12 hours and are restricted to same day service;
 - b. if preparing foods for service from raw ingredients uses only minimal assembly; and
 - c. foods served at an establishment that require complex preparation (whether canned, frozen, or fresh prepared) are obtained from an approved food processing plants, (high risk) food service establishments or retail food stores.
- (4) *Category III Low Risk Facility*: is a food establishment that presents a low relative risk of causing foodborne illness based on few or no food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify facilities as Category III Low Risk facilities:
- a. only prepackaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved food processing plant;
 - b. only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages occurs at the facility; or
 - c. only beverages (alcoholic and non-alcoholic) are served at the facility.

If you have any questions or concerns, please contact us at (815) 544-2951 ext. 2 or at info@boonehealth.org.

Sincerely,



Amanda Mehl
Public Health Administrator
Boone County Health Department

AT

BELVIDERE

Community Development Department

Planning Department

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

September 2022 Monthly Report

Number	Project	Description	Processed
	Belvidere Projects		
0	Cases: September	None	
2	Cases: October	105 W. Harrison St, SU	9/13/2022
		508 S. State Street, SU	9/13/2022
0	Annexation	None	
0	Temporary Uses	None	
4	Site Plans (New/Revised)	1610 N. State Street	9/6/2022
		1922 Gateway Center Drive	9/6/2022
		209 W. Locust Street	9/13/2022
		915 E. Pleasant Street	9/13/2022
1	Final Inspection	1930 W. Chrysler Drive	9/15/2022
0	Downtown Overlay Review	None	
2	Prepared Zoning Verification Letters	409-411 Andrews Drive	9/7/2022
		1217 Logan Avenue	9/19/2022
1	Issued Address Letters	Belvidere Retail Subdivision	9/8/2022
	Belvidere Historic Preservation Commission	The Commission continued planning their 2022 Achievement Awards and their 2022 fall fundraiser (geocaching scavenger hunt).	
	Heritage Days	None	
	Hometown Christmas	The Hometown Christmas committee continues to meet to plan the December 2, 2022 event.	
	Scanned Plats: E-mail, Print and/or Burn		
3	Recorder's Office		
50	Other Department		
3	General Public		

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.

Planning Monthly Report Cont.

Prepare minutes, agendas and packets for various committees, commissions and boards

Prepare deposits and purchase orders for bill payments

*** Staff continues to reach out to the public to fill the vacancies on the Historic Preservation Commission

*** Staff has been providing assistance with a local business owner applying for a grant to expand

*** Staff attended the IDOT Fall conference

CITY 2022

Date	Case	Request	Petitioner/ Address	PZC	CC1	CC2
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October

9/13/2022	2022-23	SU	OM Belvidere Group @ 105 W Harrison	10/11/2022	10/17/22	11/07/22
9/13/2022	2022-24	SU	Romaine Allen	10/11/2022	10/17/22	11/07/22

Variation	
Map Amendment	5
Subdivision	5
Special Use	11
Annexation	2
Text Amendment	1
Temporary Use	
Appeals	
Total	24