

**CITY OF BELVIDERE  
PLANNING AND ZONING COMMISSION  
Minutes**

**Tuesday, December 10, 2019  
City Council Chambers  
401 Whitney Boulevard  
6:00 pm**

**ROLL CALL**

**Members Present:**

Daniel Arevalo CHM  
Alissa Maher, VCHM  
Carl Gnewuch  
Andrew Racz  
Paul Engelman

**Staff Present:**

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

**Members Absent:**

Art Hyland  
Robert Cantrell

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

**MINUTES:** It was moved and seconded (Racz/Maher) to approve the minutes of October 8, 2019. The motion carried with a 5-0 roll call vote.

**PUBLIC COMMENT:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**2019-15: Rathod (SU):** Application of Indrasinh Rathod, 6615 Rolling Hedge Lane, Rockford, IL 61108 on behalf of the property owner, Judy L. Winter, 1409 Walts Way, Belvidere, IL 61008 for a special use to permit indoor commercial entertainment. Specifically, a bar with video gaming at 1500 N. State Street, Belvidere, IL 61008, commonly known as House of Bottles, (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 approximately 1.30 acres.

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

Gina DelRose was sworn in. Ms. DelRose said the case was published in the Boone County Journal on November 22, 2019 and certified mailings were sent to residents within a 250-foot radius of the subject property on November 20, 2019. Ms. DelRose summarized the staff report dated December 2, 2019. Ms. DelRose said the subject property is part of a larger multi-tenant development that has housed a mix of retail, professional and office uses throughout the years. There are

currently 11 striped parking spaces on the property instead of the required 19 spaces due to the shared parking of the overall development. There is enough paved area to stripe the remaining area if need be. The video gaming use is proposed to be in the northeast corner of the building in an area behind the checkout counter of the House of Bottles liquor store.

Ms. DeRose reminded the commission that in 2018 the City Council voted to limit the number of gaming establishments to 30. Although 30 licenses have been issued, this application would permit the 35<sup>th</sup> establishment to be eligible to apply for such a license. The applicant has been made aware that granting of the proposed special use does not guarantee the securing of a gaming license.

Ms. DeRose presented the findings of fact 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.

The chair asked if there were questions for the staff.

Alissa Maher asked why the additional eight parking spaces have not been completed.

Gina DeRose stated that the additional spaces are not currently needed. It is encouraged to use shared parking areas when possible in order to not create a "sea of asphalt."

There were no further questions for the staff.

Indrasinh Rathod was sworn in. Mr. Rathod said opening the existing business to video gaming is an attempt to grow the business and make it more profitable.

Attorney Mike Drella asked if the applicant understands that the video gaming licenses are issued as a "first come, first served" basis and the special use does not guarantee that Mr. Rathod will definitely get a gaming license in the future.

Indrasinh Rathod stated that he understood and clarified that the special use is good for one year.

Attorney Drella said that is correct, however, the gaming license is a separate issue.

Paul Engelman asked what circumstances might result in an available gaming license.

Attorney Drella said a license would become available if a business' license were revoked, if a business closed up shop, or if an applicant sought relief to add more licenses to the 30 now allowed.

Paul Engelman asked if there have been any legal challenges to the City's gaming license limit, or if the City might be liable for losses to an applicant due to the limit being in place.

Attorney Drella stated that in the case of the video gaming licenses, the City is on firm legal ground; the limit has been in place for some time and all applicants are made fully aware of that fact when they apply for a special use of this type.

Paul Engelman asked how applicants with special uses are notified that a gaming license is available.

Attorney Drella said they are not notified.

Gina DelRose said she has been clear with anyone inquiring into video gaming licenses that none are available and if a business were to close, the property owners of local businesses need to pay attention and act quickly.

The public hearing closed at 6:15 p.m.

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

It was moved and seconded (Racz/Gnewuch) to recommend approval of Case 2019-15 subject to the conditions presented by staff. The motion carried with a 5-0 roll call vote.

Attorney Drella stated the case will go before the City Council on December 16, 2019 for a silent first reading and on January 6, 2020 for a final reading and vote.

**2019-16: GCZ Corner Subdivision (RP):** The applicant is requesting replat approval of the one-lot subdivision named GCZ Corner Subdivision. The subject property is at the northeast corner of North State Street and Doc Wolf Drive. It is approximately 0.75 acres in size and was developed with two single-family residences that were demolished.

Gina DelRose summarized the staff report dated December 2, 2019. The subject property consists of three lots and was developed with two single-family residences that have been demolished. The zoning of the property is GB, General Business

District. The third lot is approximately 11 feet wide and provides the road frontage along Doc Wolf Drive. The portion of North State Street the property abuts is maintained by the Illinois Department of Transportation. The applicant wishes to combine the three lots and construct a commercial development on the created subdivision. Public improvements are not anticipated to be installed.

Requests for comments were sent to 17 departments, agencies or other parties. The comments received have been incorporated into the recommended conditions of approval. The planning staff recommends approval of Case 2019-16 subject to the following conditions:

1. All public improvements shall be completed in accordance with approved construction plans for the development. An engineer's estimate of cost for the public improvements to be completed as a part of this project shall be submitted along with the construction plans for the development. Public improvements may include sidewalks, water and sanitary service stubs.
2. A Performance Bond or Letter-of-Credit is required for all public improvements on forms provided by the City and must be submitted prior to recording of the Final Plat or approval and release of the construction plans for the development by the Director of Public Works.
3. A construction inspection fee in the amount of three percent of the approved engineer's estimate of cost for the public improvements must be paid to the City Clerk prior to approval and release of the construction plans for the development by the Director of Public Works.
4. Prior to approval of the Final Plat for this subdivision, the developer shall pay all normal, customary and standard permit, inspection, tap-on, connection, recapture, basin and other fees that are required by the City at the time of Final Plat submittal.
5. A drainage overlay needs to be submitted for review and approval prior to final plat approval.
6. A utility easement shall be placed along Doc Wolf Drive if requested by a utility company.
7. A note shall be placed on the plat stating: All proposed access to the property along North State Street shall be approved by the Illinois Department of Transportation.
8. A note shall be placed on the plat stating: Access to Doc Wolf Drive shall be limited to the northeast corner of the property.

9. If the present water services are not utilized in the new development they shall be disconnected at the main.
10. A certificate for the Illinois Department of Transportation shall be placed on the plat. The certificate shall read: This plat has been approved by the Illinois Department of Transportation with respect to roadway access pursuant to 765 ILCS 205/2. However, a Permit for access issued by the Department is required by the owner of the property. A plan meeting the requirements contained in the Departments "Policy on Permits for Access Driveways to State Highways" will be required by the Department. Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_\_ Region Two Engineer \_\_\_\_\_.
11. The revised plat shall be presented to the planning department for review and approval before any signatures are obtained.
12. The plat shall be recorded with the County Recorder of Deeds within 90 days of City Council approval, unless a plat-recording extension is granted.
13. The final plat shall be in compliance with all applicable codes, ordinances and agreements.

Gina DelRose stated the conditions recommended are standard final plat conditions.

The chair asked if there were questions for the staff.

Carl Gnewuch asked if sidewalks will be provided.

Gina DelRose stated that although most public improvements are already in place, sidewalks would need to be installed at the subject property.

The applicant, Miguel Zepeda, said he had no statement to make.

It was moved and seconded (Gnewuch/Engelman) to recommend approval of Case 2019-16 subject to the 13 conditions presented by staff. The motion carried with a 5-0 roll call vote.

**2019-17: N-Trak Group, LLC (SU):** Application of N-Trak Group, LLC, 1523 Windsor Road, Loves Park, IL 61111 on behalf of the property owner, Trinski, LLC, 82 North Route 12, Fox lake, IL 60020 for a special use for a planned development (Belvidere Zoning Ordinance Section 150.907 Planned Development District Procedures). Specifically, an amendment to an existing planned development (Ordinance 645G) allowing a quarry and batch plant activities at 1050 ECS Way in the PI, Planned Industrial District on approximately 200 acres. The amendment will increase the allowable hours for the batch plant.

The public hearing was opened at 6:27 p.m.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on November 22, 2019 and certified mailings were sent to residents within a 250-foot radius of the subject property on November 20, 2019. Ms. DelRose summarized the staff report dated December 4, 2019. The subject property was granted a rezoning and special use to commence quarrying (dredging) activities in 1992. In 2004 the property was annexed to the City of Belvidere and a special use was granted to continue quarrying activities with the addition of a batch plant. Batch plant operations were limited to the hours of 6:00 a.m. to 6:00 p.m. The batch plant, however, was not constructed until 2019.

The only amendment being requested to the special use of 2004 by ordinance 645G is condition 3 which regulates the batch plant. The applicant is requesting to expand the batch plant operation hours to 5:00 a.m. to 10:00 p.m. with extended hours on a temporary basis for special circumstances such as projects for the Illinois Department of Transportation, Illinois Toll Highway Authority and other large state, federal and local government projects subject to the approval of the City of Belvidere. Other batch plants in the area operate under these hours; this has given those operations a competitive edge over the applicant's business.

Gina DelRose stated the staff recommends approval of Case 2019-17 subject to the following conditions:

1. The Planned Development is granting only the following flexible standards: Batch Plant (150.106(C)(7)(C)(2).
2. The planned Development is only amending condition 3 of Ordinance 645G to read as follows:
3. This ordinance will allow for one concrete or asphalt batch plant on-site. The concrete or asphalt batch plant shall be located only on the area identified as "Area A" or within the bounds of "Area B" on Exhibits H-1 through H-5, Boone County Quarry Mining Operations Plans, Phases 1-5, all revised as of 8-23-93. Concrete or asphalt production or processing shall not take place within 150 feet of any lot line.

Concrete or asphalt production operations shall be conducted only during the hours of 5:00 a.m. to 10:00 p.m. This operating hours accommodation shall allow for extended or altered hours of operation, if reasonably approved by the City, permitting the Owner(s) to conduct batch plant operations as needed on a temporary basis when reasonably necessary to meet the requirements of specific projects. Examples of projects for which extended hours are reasonable include specified projects for the Illinois Department of Transportation, the Illinois Toll Highway Authority and other state, federal and local

government projects. There shall be comparable time limitations and allowances on the operation of a concrete or asphalt batch plant whether producing asphalt or other construction products pursuant to an identified construction contract.

If concrete or asphalt batch plant operations on-site terminate permanently, all stockpiles on-site shall be removed and the subject property shall be restored appropriately. Only one entrance/exit is permitted for the concrete or asphalt batch plant, and shall be from ECS Way.

Gina DelRose explained that these hours are the same as those granted to William Charles Quarry in the city, as well as the quarries operating in Boone County. Ms. DelRose stated that in the past, the Quality Aggregates operation was granted temporarily extended hours to complete an I-90 project.

Paul Engelman asked for clarification of how a request for temporary extended hours might work.

Gina DelRose stated that she has not dealt with such a request in the city but when it occurred in the county, such a request would be forwarded by letter to a sub-committee of the County Board, then to the County Board and potentially be granted by that body.

Attorney Drella clarified that a quarry's request for extended hours must be forwarded to the City to ask for temporary extended hours or they are in violation of the conditions for approval of their special use.

Alissa Maher asked if there have been any complaints made regarding the other quarries in the area of the subject property.

Gina DelRose stated that most of the complaints that are made come from the surrounding residential subdivisions near the Plote Quarry. The subject property in Case 2019-17 is in an industrial area.

Daniel Arevalo asked what the allowable decibel level for sound is near the subject property.

Gina DelRose stated the subject property is performing dredging activities, and not blasting activities; dredging does not produce as much noise. Ms. DelRose provided the decibel level allowed for the asphalt plant in the industrial districts. Ms. DelRose clarified that the allowable noise levels in industrial districts are considerably higher than that allowable in commercial districts.

There were no further questions for the staff.

Aaron Szeto, attorney representative for the applicant, was sworn in. Mr. Szeto gave a brief explanation of the request.

The chair asked for questions for the applicant.

Carl Gnewuch asked why the requested hours of operation were not asked for during the original application in 2004.

Aaron Szeto said he could not speak to that question, as the company was under different ownership at that time.

The public hearing was closed at 6:46 p.m.

It was moved and seconded (Maher/Engelman) to accept the findings of fact as presented in the staff report. The motion carried with a 5-0 roll call vote.

It was moved and seconded (Gnewuch/Engelman) to recommend approval of the case subject to the two conditions as presented by staff. The motion carried with a 5-0 roll call vote.

Attorney Drella stated that Case 2019-17 would go before the City Council for a first reading on December 16, 2019 and a second reading and vote on January 6, 2020.

**OTHER BUSINESS:** None

**DISCUSSION:** None

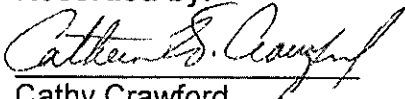
**Staff Report:**

Gina DelRose said the commission would be presented with two cases in the next meeting on January 14, 2020. One will be a special use request for a new car wash on North State Street and the second case will be a request for a text amendment regarding cannabis dispensaries.


**ADJOURNMENT:**

The meeting adjourned at 6:50 p.m.

**Recorded by:**

  
Cathy Crawford  
Administrative Assistant

**Reviewed by:**

  
Gina DelRose  
Community Development Planner