

CITY OF BELVIDERE, ILLINOIS

ORDINANCE #612H

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A PLANNED DEVELOPMENT WITHIN THE PB,
PLANNED BUSINESS DISTRICT
(1874 CRYSTAL PARKWAY)

PASSED AND ADOPTED

BY THE CITY COUNCIL

OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 6TH DAY OF FEBRUARY 2023.

APPROVED BY THE

MAYOR OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 13TH DAY OF FEBRUARY 2023.

Published in Pamphlet Form this 13th day of February 2023.

ORDINANCE NO. 612H

**AN ORDINANCE GRANTING A SPECIAL USE
TO ALLOW A PLANNED DEVELOPMENT
WITHIN THE PB, PLANNED BUSINESS DISTRICT
(1874 Crystal Parkway)**

WHEREAS, The City of Belvidere has adopted Chapter 150, Zoning Ordinance in accordance with the provisions of Illinois Compiled Statutes to regulate the use of land and to specify the minimum requirements for improvements on land in the City of Belvidere; and

WHEREAS, Special Uses are certain municipal or private uses that due to their physical or operational characteristics may pose a threat to the value, use and enjoyment of adjoining property; are reviewed on a case by case basis; and are permitted only by permission of the Belvidere City Council; and,

WHEREAS, The applicant, Heartland Leaf, LLC, 200 Sheridan Road, Highland Park, IL 60035 on behalf of the property owner, Belvidere Retail, LLC, 5277 Trillium Blvd, Hoffman Estates, IL 60192 is requesting a special use to permit a planned development to construct a cannabis dispensary; and

WHEREAS, after due notice by publication pursuant to the Illinois State Statutes, the City of Belvidere Planning and Zoning Commission held a public hearing on January 10, 2023 concerning the proposed Special Use; and,

WHEREAS, the City of Belvidere Planning and Zoning Commission having examined the application and having considered the evidence, both oral and documentary and being fully advised about the premises did make findings of fact and a recommendation; and,

WHEREAS, the corporate authorities of the City considered the findings of fact and concur with the recommendation of the Planning and Zoning Commission,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELVIDERE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. That a Special Use in the PB, Planned Business District for a planned development on the property depicted in Attachment A and legally described as:

Lot 3 of the proposed Belvidere Retail Subdivision Replat (available for review at the Community Development Department, 401 Whitney Boulevard, Suite 300, Belvidere, IL 61008 during regular business hours). PIN: 08-06-152-004 and Part of PIN: 08-06-152-003

Is hereby approved, subject to the following conditions:

1. The Planned Development shall be developed in substantial conformance with the site plan dated November 4, 2022 unless otherwise noted. (Attachment B)
2. A full final site plan shall be submitted to staff (building, public works, police, fire, planning, etc.) for review and subject to final approval prior to the issuance of building permits.
3. In addition to the cross-access easement provided on the final plat for the private driveway on Lots 3, 4 and 5, a cross-access easement will need to be provided for the right-in right-out access from Genoa Road on those same lots.
4. The southerly entrance to Lot 3 shall be removed.
5. The planned development is granting only the following flexible standards: Sections 150.105(C)(4)(B)(2) allowing for an Adult-use Cannabis Dispensing Organization; 150.105(C)(4)(G)(2)(C) allowing for the minimum setback for an accessory structure to be reduced from three feet to zero feet; 150.105(C)(4)(G)(2)(C) allowing for the minimum pavement setback to be reduced from five feet to zero feet; 150.702(J) allowing for the maximum width of the driveway to be increased from 35 feet to 42 feet; 150.702(J) allowing for the maximum flare of the driveway to be increased from 5 feet to 21 feet; 150.704(F)(8) allowing for the minimum width of parking stalls to be reduced from 10 feet to nine feet; 150.704(F)(8) allowing for the minimum width of a two-way drive aisle to be decreased from 26 feet to 25 feet; 150.707(E)(3)(A) allowing for lighting levels greater than 0.50 foot-candles at the property line (3.5 foot-candles); Table 150.1007(A)(1) allowing for the maximum square-footage of a freestanding sign to be increased from 150 square feet to 300 square feet; Table 150.1007(B)(1) allowing for the maximum allowed wall signage to be increased from 300 square feet to 600 square feet on the front and rear walls; 150.1010 allowing for off-site signage (on southeast side of property)

Section 3. That the premises shall be used in accordance with and subject to the applicable provisions of the Zoning Ordinance of the City of Belvidere and shall not be used except as may otherwise be expressly authorized by the applicable law and the special use.

Section 4. That acceptance of any of the benefits of this Special Use shall be deemed acceptance of all the terms and conditions set forth herein.

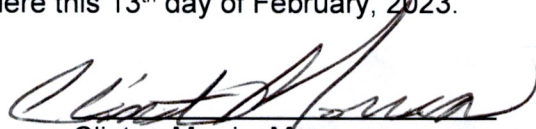
Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.


Section 7. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the City Council of the City of Belvidere this 6th day of February, 2023.

APPROVED by the Mayor of the City of Belvidere this 13th day of February, 2023.


Clinton Morris, Mayor

ATTEST:


Sarah Turnipseed, City Clerk

Ayes: 7 Nays: 1 Absent: 2

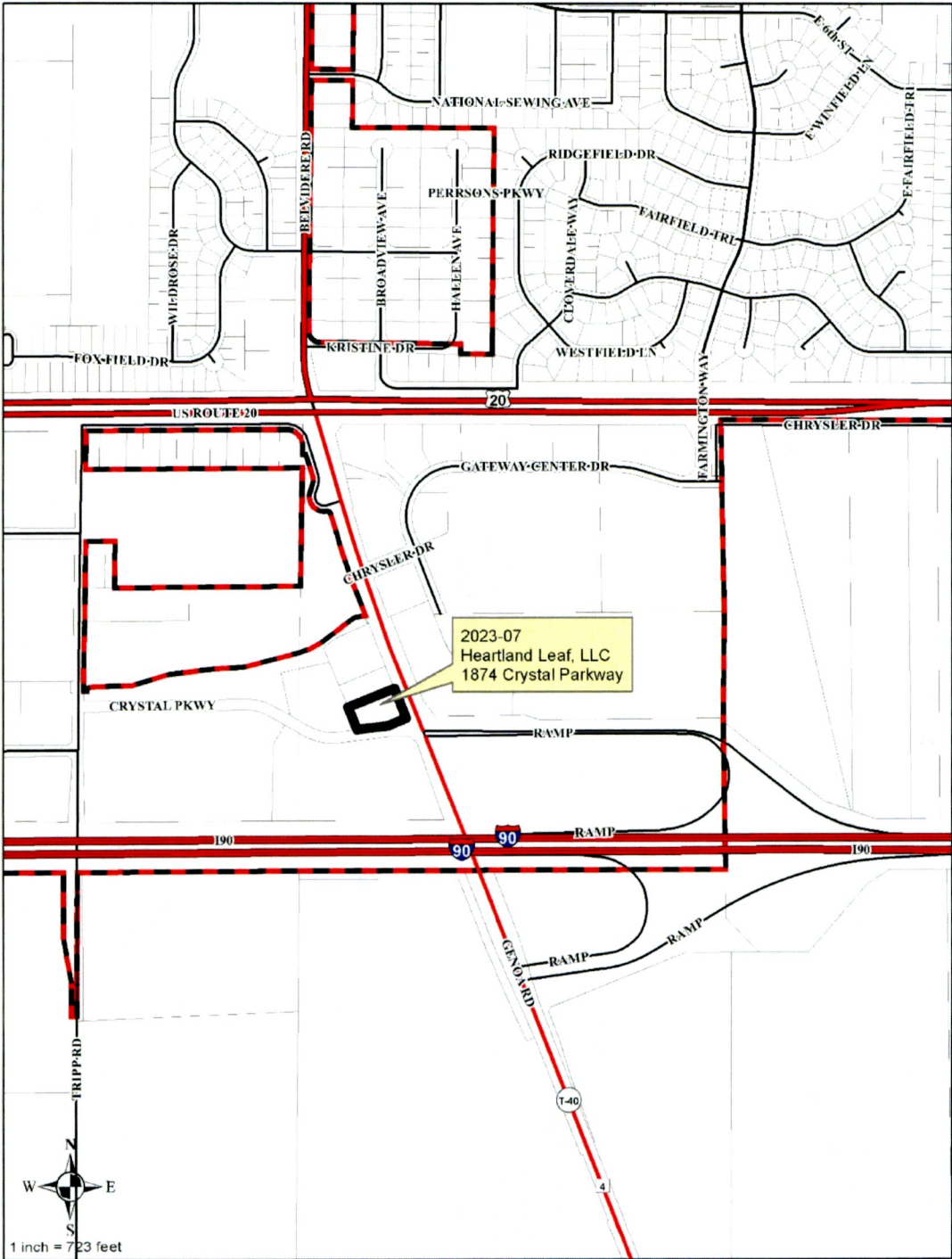
City Council Members Voting Aye: Prather, Brereton, Fleury, Frank, Freeman, McGee and Mulhall.

City Council Members Voting Nay: Porter.

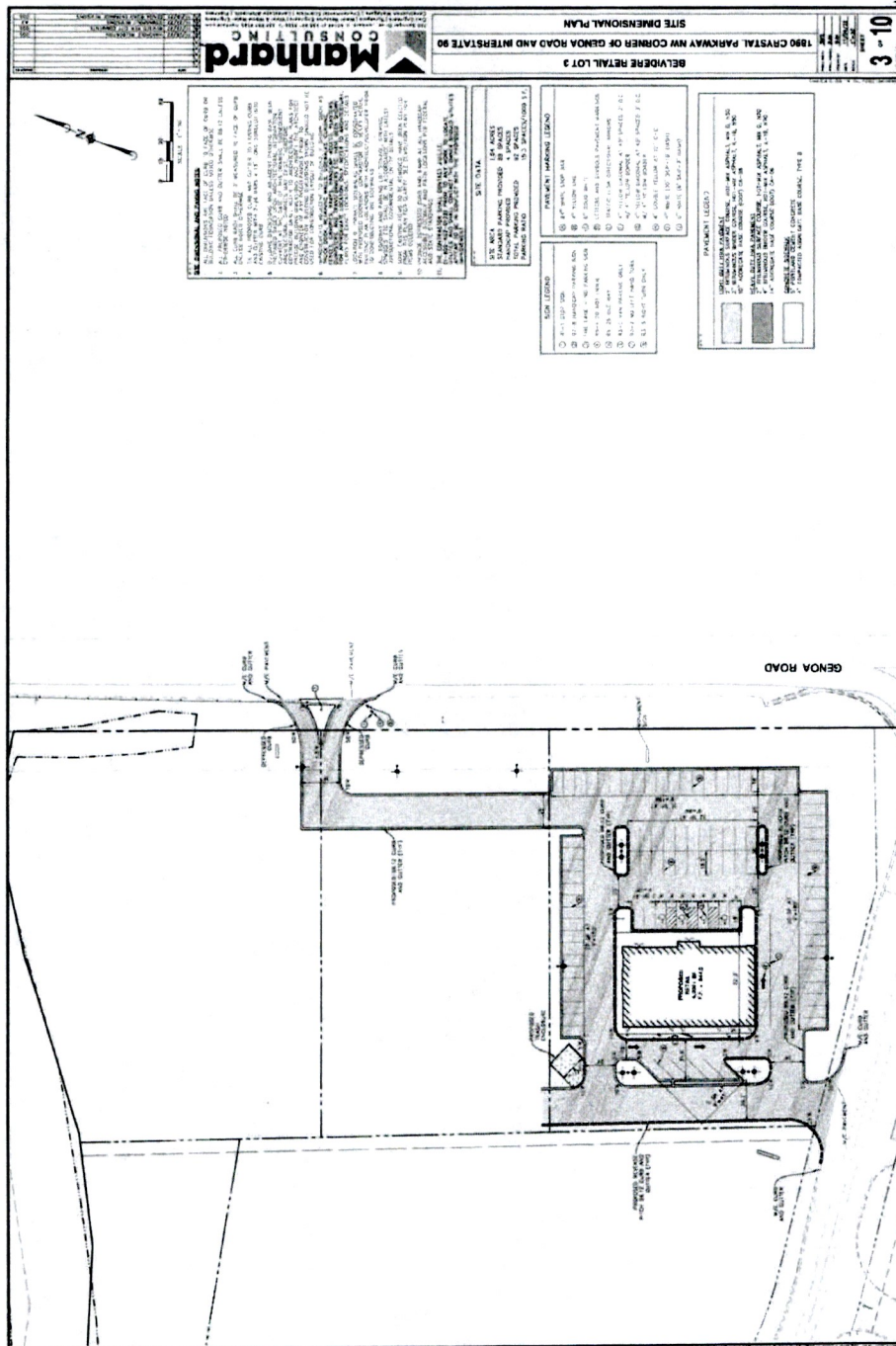
Date Published: February 13, 2023

Sponsor: Ald. Prather

ATTACHMENT A



ATTACHMENT B

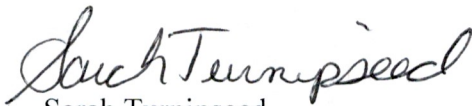


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COUNTY OF BOONE)

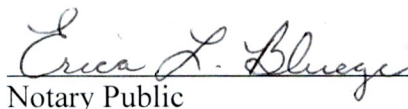
Sarah Turnipseed, first being duly sworn on oath deposes and says as follows:

By authority of the City Council of the City of Belvidere, Illinois, I published Ordinance #612H of the City of Belvidere, Illinois, in pamphlet form on February 13, 2023, and as a convenience for the public; I posted the pamphlet form of Ordinance #612H on the bulletin board in the lobby at 401 Whitney Blvd., Belvidere, Illinois; said location being readily accessible to the public during business hours of the City Clerk's Office.



Sarah Turnipseed
City Clerk

SUBSCRIBED AND SWORN TO BEFORE ME
this 13th day of February, 2023.


Notary Public

