

**CITY OF BELVIDERE  
PLANNING AND ZONING COMMISSION**

**Minutes  
Tuesday, March 12, 2019  
City Council Chambers  
401 Whitney Boulevard  
6:00 pm**

**ROLL CALL**

**Members Present:**

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

**Staff Present:**

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

Chairman Alissa Maher called the meeting to order at 6:05 p.m.

**MINUTES:** It was moved and seconded (Racz/Cantrell) to approve the minutes of November 13, 2018. The motion carried with a 7-0 roll call vote.

By unanimous consent, the agenda was amended to move Case 2019-05 ahead of the other cases being presented.

**PUBLIC COMMENT:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**2019-05; Lindenberg, Townhall Industrial Park Plat 3:**

Application of Gary Lindenberg for final plat approval for Plat 3 of Townhall Industrial Park Subdivision. The plat is a replat of Lot 12 of Plat 1. Plat 3 consists of 2 lots comprised of 3.14 acres.

Gina DelRose summarized the staff report dated March 5, 2019. Ms. DelRose gave a history of the previous plats for Townhall Industrial Park. Ms. DelRose stated there is a buyer interested in the remaining parcel but that buyer will only require half of the acreage. The applicant wishes to split the parcel for this purpose.

A request for comments was forwarded to 17 departments, agencies or other parties. The comments received have been incorporated into the recommended conditions of approval.

Gina DelRose stated that the staff recommends approval of the replat subject to the following conditions:

1. All public improvements shall be completed in accordance with approved construction plans for the development.
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 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 drain overlay for this plat needs to be submitted for review and approval prior to the final plat approval.
6. All lots shown on this plat must have sanitary sewer and water services stubs to the property line in accordance with City Subdivision standards.
7. Show 2 concrete monuments at opposite corners per 765 ILCS 205/1.
8. No monument found or set at PC of curve on south line of Lot 16.
9. Identify solid and open circles shown at property corners as either being set or found monuments.
10. Remove found 5/8" IP notes at the northwest and southeast corner of Lot 15. These are new corners so how can the monuments be found?
11. Identify existing easements with the recoding information for the easement (i.e. 12" Utility Easement per Doc. No. 2005R02019.)
12. The duplicate Public Works Director certificate block shall be replaced with a Drainage Overlay certificate block.
13. The building setback line shall be changed to 45 feet.
14. The Stormwater Management Plan note shall reflect the Boone County Soil and Water Conservation District's updated information. Their address is 211 North Appleton Road, Belvidere, IL 61008 and their phone number is 815-544-2677 extension 3.
15. The revised plat shall be presented to the planning department for review and approval before any signatures are obtained.
16. 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.
17. The final plat shall be in compliance with all applicable codes, ordinances and agreements.

The Chair invited questions from the commissioners for the staff.

Paul Engelman asked Ms. DelRose for an explanation of Conditions 7-10.

Gina DelRose stated that these conditions referred to the markers placed in the ground (monuments) indicating the boundaries of the parcel.

The Chair asked if the applicant had questions for the staff.

Dan Ericson, of Landmark Development, said he had no questions for the staff. Mr. Ericson then stated that the new owner of the property, Mr. Lindenberg, had an opportunity to work with Fastenal, building a 6,000 square foot building on the site. The newly created site would need city sewer and water connections. Mr. Ericson stated that their civil engineers would comply with all of the proposed conditions for approval.

Robert Cantrell asked if the company Fastenal, would be manufacturing fasteners at the proposed site.

Dan Ericson said no, the building proposed would be for their sales division; the fasteners are made elsewhere.

It was moved and seconded (Cantrell/Hyland) to approve case 2019-05 subject to the 17 conditions as recommended by the staff. The motion carried with a 7-0 roll call vote.

**2019-01; JBLH Properties, LLC:** Application of Ryan Crombie, 201 S. 8<sup>th</sup> Street, South Beloit, IL 60180 on behalf of the property owner, JBLH Properties, LLC, 201 S. 8<sup>th</sup> Street, South Beloit, IL 60180 for a special use to permit Indoor Commercial Entertainment. Specifically, a bar with video gaming at 982 Belvidere Road, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(4)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the PB, Planned Business District on approximately 1.25 acres.

The public hearing was opened at 6:17 p.m.

Gina DelRose was sworn in. Ms. DelRose said the case was published in the Boone County Journal on February 22, 2019 and certified mailings were sent to property owners within 250 feet of the subject property on February 20, 2019. Ms. DelRose summarized the staff report dated March 5, 2019. Ms. DelRose stated the property is part of the Logan Square Subdivision platted in 2003; the building also houses a gym, frozen yogurt store, martial arts studio, staffing agency and a bar with video gaming.

Ms. DelRose said the site is developed with 74 parking spaces to serve all tenants. Peak hours for indoor commercial land uses are often later in the day when businesses such as the staffing agency will be closed. Alternating peak business times lessens the need for additional parking.

Ms. DelRose stated the applicant is aware that the city has limited the number of video gaming establishments to 30 and as such, knows there is no guarantee that a video gaming license will be available to him.

Ms. DelRose stated the staff recommends approval of the special use subject to the following condition:

1. The special use is only for the tenant space commonly known as 982 Belvidere Road.

The Chair invited questions from the commissioners for the staff.

Daniel Arevalo asked if the proposed special use would be the last video gaming request allowed.

Gina DelRose stated that of the 30 allowed by the City, 26 video gaming licenses have been issued; in order to receive a video gaming license, it is necessary to have both a special use and the State gaming permit. There have been more than 30 special uses approved at this time. The last 4 video gaming licenses allowable by the City will be issued to whoever gets their State permit first, and has a special use in place. There is no guarantee, however, which of the approved special uses will get the State permit.

Mike Drella clarified that the special use for Indoor Commercial Entertainment comprises many different land uses besides the proposed use, including bars without video gaming, pool halls, stores offering card games, and other uses.

Andy Racz asked if there is an updated list of the special uses approved and the remaining video gaming licenses.

Gina DelRose said such a list is kept and updated by herself and the City Clerk.

Discussion was held regarding the fees assessed by the City for video gaming licenses.

Paul Engelman clarified the allowable hours of operation.

Gina DelRose said the Planned Business District does not limit business hours; the hours for the proposed special use would be limited by the allowable liquor sales hours. Video games are to be shut down when liquor sales end for the day.

Mike Drella stated that the City video gaming fees are \$500 per machine per year. One-third of the revenues go to the owner of the machines, one-third to the owner of the establishment, and one-third to the State of Illinois. The City of Belvidere receives 5% of the State's revenues.

The applicant had no questions for the staff. The applicant's representative, Amber Reid, was sworn in.

Paul Engelman asked Ms. Reid if there will be food served.

Amber Reid said there is no kitchen at the subject property; food served will be packaged snacks and coffee.

Paul Engelman asked if the nature of the business will be more of a video gaming parlor that serves alcohol, or a bar that offers video gaming.

Amber Reid said it would be a mix of both.

Paul Engelman asked if there would be live music.

Amber Reid said no.

The public hearing was closed at 6:30 p.m.

It was moved and seconded (Racz/Hyland) to accept the findings of fact as presented in the staff report. The motion carried with a 7-0 roll call vote.

It was moved and seconded (Cantrell/Hyland) to approve case 2019-01 subject to the condition recommended by staff. The motion carried with a 7-0 roll call vote.

**2019-02; LHC Properties, LLC:** Application of Ryan Crombie, 201 S. 8<sup>th</sup> Street, South Beloit, IL 60180 on behalf of the property owner, LHC Properties, LLC, 201 S. 8<sup>th</sup> Street, South Beloit, IL 60180 for a special use to permit Indoor Commercial Entertainment. Specifically, an event center at 1550 Pearl Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105©(1)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the NO, Neighborhood Office District on approximately 0.50 acres.

The public hearing was opened at 6:32 p.m.

Gina DelRose was sworn in. Ms. DelRose said certified mailings were sent to property owners within 250 feet of the subject property on February 20, 2019 and the case was published in the Boone County Journal on February 22, 2019. Ms. DelRose summarized the amended staff report dated March 12, 2019. Ms. DelRose gave a history of the subject property as well as an explanation of the permitted land uses within the NO, Neighborhood Office District. Ms. DelRose repeated that Indoor Commercial Entertainment comprises many different uses. The Neighborhood Office District provides for permanent protection of the original residential character and restrictions placed on businesses operating within the

district include residential architecture, increased landscaping, business hours limited to 6:00 a.m. to 11:00 p.m. and restricted signage dimensions.

Ms. DelRose stated the previous use of the subject property was as the local Secretary of State's Motor Vehicle Services office which generated a large amount of traffic but which closed daily at 5:00 p.m. and was not open on weekends. Event centers are busier later in the day and on weekends but may not operate every day. The size of the events will be based on the building's occupancy level and available parking. A privacy fence will be required to help shield adjacent properties from lights and noise. Ms. DelRose described the proximity to surrounding properties. Ms. DelRose said a bar/tavern open to the public may not be appropriate for the subject property nor would the number of patrons and the traffic generated be compatible with the neighborhood. Event centers are one of the lower impact land uses of the indoor commercial entertainment category. Alcohol may be consumed on the premises but it is not the business' main function. Traffic may be heavy at times but constant traffic similar to that of a business with traditional hours of operation would not be experienced. The conditions of approval will restrict the operating hours to 11:00 p.m.

The event center being proposed would be able to be utilized by all residents, unlike other land uses in the indoor commercial entertainment category. Residents without adequate space for events can utilize the center for parties and events. The special use will be required to operate within the same parameters of other uses in the Neighborhood Office District.

Gina DelRose stated the staff recommends approval of case 2019-02 subject to the following conditions:

1. The hours of operation shall be limited to 11:00pm.
2. Substantial compliance with the submitted site plan.
3. The privacy fence shall not inhibit safe sight distance for motorists entering and leaving the property.
4. If a barrier is utilized to close off the parking lot ingress/egress, it shall not be a fence- like structure. Such barrier shall not cause vehicles entering the property to block the sidewalk or back up onto Pearl Street.
5. Consumption of alcohol is prohibited outside the premises.
6. Parking lot light fixtures shall adhere to residential requirements and not exceed 25 feet in height.
7. The proximity to single family residential uses makes the use of a traditional bar/tavern inappropriate for the subject location. Therefore, the indoor commercial entertainment special use for the subject property is exclusively limited to private events which are attended by invitation only, with invitations made to specific individuals or groups and in no event will the special use be open to the general public.

The Chair asked if the Commission had questions for the staff.

Carl Gnewuch asked if the question of potential noise was considered.

Gina DelRose stated the City of Belvidere has a detailed noise ordinance; nuisances are categorized according to the octave band of the decibel levels. The police department has a decibel reader in the case of a noise complaint.

Mike Drella asked for examples of the noise levels.

Gina DelRose compared acceptable levels to that of an air conditioner.

Robert Cantrell asked what type of fencing would be required.

Gina DelRose said the applicant is proposing a privacy fence to shield surrounding properties from headlights, noise and trash. One of the conditions of the special use is the requirement for fencing along the sides and back but less opaque fencing at the front such as swing bars in order not to create a line of sight hazard.

Paul Engelman asked if the zoning ordinance regulates the style of fencing allowed.

Discussion was held regarding the fencing requirements, such as what constitutes a privacy fence and whether styles of fencing can be regulated.

Gina DelRose stated that the site plan shows a privacy fence. One of the conditions for approval is substantial compliance with the site plan.

Carl Gnewuch asked the occupancy of the building.

Gina DelRose stated that, without an idea what the eventual floorplan of the building will be, this occupancy is difficult to determine.

Carl Gnewuch asked how many parking spaces exist.

Gina DelRose said it was approximately 43 spaces. Future restriping of the lot will also affect this number but vehicle circulation will be improved.

Paul Engelman asked if on-street parking would be allowed.

Gina DelRose said nothing in the city code restricts on-street parking; on-site parking should be the goal of a business.

Paul Engelman asked if the city code meant that residents who were worried about the amount of on-street parking resulting from the event center would then have no recourse.

Gina DelRose said if there was a problem with double parking, parking in front of hydrants or other violations residents should call the police to report it. But unless the city was to institute parking permits in the neighborhood, such as those used near Belvidere High School, the code allows for on-street parking.

The commissioners had no further questions for the staff.

Kord Sellers was sworn in. Mr. Sellers said he would be the party operating the business at 1550 Pearl Street on behalf of the property owner. Mr. Sellers stated he was happy to explain the plans for the proposed event center to the audience and commissioners.

Carl Gnewuch asked what Mr. Sellers planned in terms of the size of events held at the subject property.

Kord Sellers said, as a former firefighter, he would be certain to follow the fire code regarding occupancy. Mr. Sellers said he would ask guests to park on-site and not on the street. Mr. Sellers said rules regarding noise and other rules are detailed in the rental agreement and deposits would not be returned to guests violating the requirements.

Paul Engelman asked Mr. Sellers to give an overview of his business plan.

Kord Sellers said he plans to hold events such as children's parties, small weddings, adult dances and quilt shows at the subject property.

Gina DelRose stated there will be no kitchen in the subject property and all food will be catered in. Alcohol will be controlled by the property owner and party guests would not be allowed to bring their own liquor.

Paul Engelman clarified whether Mr. Sellers was choosing to hold a liquor license.

Kord Sellers stated that he wishes to hold a full liquor license; it is easier and has less liability to hire a bartender who can be responsible for the control of all liquor than it is to have the liquor catered in.

Paul Engelman asked if Mr. Sellers has a vision for the type of fencing that will be installed.

Kord Sellers said his goal is to allow no headlights to shine onto other properties and to prevent children from running into the street.

Paul Engelman asked Mr. Sellers to discuss possible signage.



Kord Sellers stated that Mr. Crombie has envisioned limited signage on the building.

Gina DelRose detailed for the commission the signage requirements in the Neighborhood Office District. Ms. DelRose stated that if an animated sign were desired, it would require the applicant to apply for a separate special use.

Paul Engelman speculated that the applicant could install a 15-foot sign if they wished to do so.

Gina DelRose said this was correct; anyone occupying the subject property could do so according to the zoning ordinance requirements for the Neighborhood Office District.

Paul Engelman asked if the commission had the ability to condition the allowable signage.

Mike Drella stated this would require a text amendment to the zoning ordinance.

Gina DelRose pointed out that, in comparison with the signage allowances in other commercial and office districts, the requirements in the Neighborhood Office District are much more restrictive.

The Chair asked if there were questions from the audience for the applicant.

Catherine Asell was sworn in. Ms. Asell said she resides across the street from the subject property. Ms. Asell asked if there would be deejays or live bands playing.

Kord Sellers said that would be left up to those renting the facility. Mr. Sellers said he has the ability to monitor the noise level remotely and would require it to be stopped if there was a nuisance complaint.

Catherine Asell questioned the hours of operation.

Kord Sellers said the contract that guests would sign would require that they be out of the facility by 11:00 p.m.

Catherine Asell asked if this included Sunday nights?

Kord Sellers said yes, if the facility were rented for a Sunday evening.

Catherine Asell said she had doubts about the event center.

Kord Sellers said he wishes to have good relationships with the surrounding neighbors and would be willing to let residents contact his cell phone should a nuisance arise.

Catherine Asell asked if Mr. Sellers would want one of these centers near his residence.

Kord Sellers said he grew up near such an event center and it created no problems.

Catherine Asell said if a liquor license is granted to the business and the special use is approved, could a bar locate in the subject property?

Mike Drella said no. Liquor licenses in the City of Belvidere are not transferrable. Mr. Drella referred the audience to the conditions of approval displayed on a screen, specifically Condition Number 7 (see conditions).

Cory Thornton was sworn in. Mr. Thornton stated that he has been in conversation with the City attorney and Ms. DelRose numerous times and that several of the conditions for approval came up in those discussions. Mr. Thornton said he also holds small events at his business. Mr. Thornton said the previous special use for indoor commercial entertainment that attempted to locate at the subject property would have created many more problems than the present application; the staff recommended denial at that time. Mr. Thornton said none of the surrounding residents wants a bar at the location in question. Mr. Thornton said he is in favor of approval of the special use.

Kord Sellers said the owner of the property has earmarked \$100,000 for exterior remodeling and that the building will be made ADA-compliant.

The public hearing was closed at 7:11 p.m.

It was moved and seconded (Cantrell/Arevalo) to accept the findings of fact as presented by the staff. The motion carried with a 7-0 roll call vote.

It was moved and seconded (Engelman/Cantrell) to recommend approval of Case 2019-02 subject to the seven conditions as presented in the staff report.

Andy Racz made a motion to amend Condition Number 1 to restrict the hours of operation to 10:00 p.m.

The motion failed for the lack of a second.

The motion to recommend approval of Case 2019-02 carried with a 7-0 roll call vote.

Gina DelRose said the case would go before the City Council for a first reading on March 18, 2019 and a second reading and final vote on April 1, 2019.

**2019-03; LHC Properties, LLC:** Application of Ryan Crombie, 201 S. 8<sup>th</sup> Street, South Beloit, IL 60180 on behalf of property owner, LHC Properties, LLC, 201 S. 8<sup>th</sup> Street, South Beloit, IL 60180 for a special use to permit outdoor commercial entertainment. Specifically, a beer garden at 6222 South State Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(6)(B)(2) Outdoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the CB, Central Business District. The subject property is approximately 0.50 acres and developed with a parking lot.

The public hearing opened at 7:16 p.m.

Gina DelRose was sworn in. Ms. DelRose stated that certified mailings were sent to property owners within 250 feet of the subject property on February 20, 2019 and the case was published in the Boone County Journal on February 22, 2019. Ms. DelRose summarized the staff report dated March 5, 2019.

The subject property was the former Bush Gardens prior to renovations and re-opening as Coach's Corner restaurant and bar. In 2019, the property owner purchased Municipal Lot 2 which contains 50 parking spaces. The parking lot is adjacent to and mainly used by patrons of Coach's Corner and Import Only (car repair). The general public will be able to continue to utilize the parking lot during downtown festivals.

The property owner purchased the lot for customer parking and events hosted by Coach's Corner such as poker runs, pig roasts, charity events and fundraisers. As building renovations continue, there is a possibility that a portion of the parking lot will be fenced off for a permanent beer garden. A privacy fence will be installed to buffer adjacent residences from the proposed activities; the entire property, however will not be required to be fenced. Although other beer gardens in Belvidere were required to have perimeter fencing installed, due to the dual nature of the use as parking and event space, only temporary fencing will be required along South State Street.

Gina DelRose stated that a variance to reduce the required setback from residentially zoned properties from 300 feet to zero feet is also being requested.

Gina DelRose stated that when the parking lot will be used for events, customers will be able to use Municipal Lot 11 (the former Manley Motors site). On-site parking is not required for properties zoned Central Business due to the close proximity of municipal and on-street parking. The proposed special use will provide an additional venue for the enjoyment of the public. Conditions of approval related to fencing and lighting will lessen potential negative impacts to surrounding residential property owners. Music present at events will be required to adhere to the City's noise standards found within the Belvidere Zoning Ordinance. The planning staff recommends approval of Case 2019-03 subject to the following conditions:

1. A privacy fence shall be installed along property lines abutting residences but shall not inhibit safe sight distance for motorists entering and leaving the property.
2. If additional lighting is utilized, it shall not exceed 0.50 foot-candles at the property line and shall not exceed 25 feet in height.
3. Temporary fencing such as snow fencing or chain link, a minimum of four feet in height, shall be set up along the entire South State Street frontage during events.
4. Staff shall be present outside during events.
5. If a smaller permanent beer garden is utilized, then it shall require permanent fencing to separate it from the parking lot. Such fencing shall be approved by planning staff.

The Chair invited questions from the commission for staff.

Carl Gnewuch asked if there will be alcohol served outside.

Gina DelRose stated that there will be alcohol consumed outside and fencing will be required.

The Chair invited questions from the applicant or other interested parties.

Jesse Gonzalez asked what the hours of operation would be.

Gina DelRose said there are no required hours of operation in the Central Business District; liquor sales can only occur during allowable hours.

Jesse Gonzalez said that from his house, he can hear people talking outside Coach's Corner very late at night.

Mike Drella stated that because it operates under a liquor license, Coach's Corner is required to adhere to a section of the code that states no person is allowed in the premises outside of the hours of 6:00 a.m. to 2:00 a.m. unless they are cleaning crews.

Sheila Gonzalez asked Ms. DelRose if there is a specific decibel level for businesses in the Central Business District.

Gina DelRose decibel levels are broken into octave bands. If there is any noise above 73 decibels, you can call the police.

Sheila Gonzalez said that certain noises are more of a nuisance than others.

Gina DelRose said this is the reason the allowable decibel levels are broken down into what are called octave bands. If the residents are being bothered, Ms. DelRose encouraged them to tell the police.

Robert Cantrell said Coach's Corner has a very loud exhaust fan.

Amber Reid was sworn in. Ms. Reid represents the property owner; Ms. Reid said the owner has no desire for events to be "all night parties."

Mike Drella asked if the property owner has discussed the outdoor closing times with Ms. Reid.

Amber Reid said Coach's Corner closes at 1:00 a.m. on Friday and Saturday and 12:00 a.m. on Sundays and weekdays.

Kord Sellers was sworn in and added that there is very little business in Belvidere past 11:00 p.m.

The Chair invited questions from the commission for the applicant. Seeing none, she asked for questions from interested parties.

Sheila Gonzalez asked whether live bands or noisy events would be playing until close.

Amber Reid stated that they do not plan on having activities past 10:00 p.m. often.

Gina DelRose clarified that outdoor seating and services allows restaurants the ability to serve food and beverages outside on their property (not sidewalk cafes) until 10:00 pm from May 1 to November 1. The special use will allow service later than 10:00 pm, year round in addition to the activities such as bands, bags tournaments and other events.

Amber Wenzel asked if there would be fencing in place.

Gina DelRose referred Ms. Wenzel to Condition Number 1.

Amber Wenzel repeated concerns about noise.

Kord Sellers said the restaurant has to abide by local noise ordinances at all times.

Gina DelRose provided examples of perceived decibel levels above 73 decibels compiled by Purdue University. Nothing above this level would be allowable.

Amber Wenzel asked where cars will be parked if the parking lot is full.

Robert Cantrell said there is a parking lot across the street from Coach's Corner as well as on-street parking.

Gina DelRose said there are no parking restrictions for the downtown area.

Paul Engelman asked what the special use grants.

Gina DelRose said the special use grants the ability to do activities outside the facility and to be able to eat and drink past 10:00 p.m. outside if they choose. Ms. DelRose said business staff must be present outside.

Paul Engelman asked how likely the business would be to hold events that run later than 10:00 p.m.

Amber Reid said there would be perhaps four events of this kind per year.

Paul Engelman said he feels the applicant could compromise and close at 10:00 p.m.

Andy Racz said he would make a motion to that effect.

Mike Drella said the time for this would be after the public hearing.

Paul Engelman asked how such a motion would be phrased.

Gina DelRose said the applicant should be consulted regarding the matter.

Paul Engelman asked the applicant if such a condition would be agreeable to them.

Kord Sellers said he feels Ryan Crombie would rather secure the special use even if it required such a condition.

Amber Reid said she feels most of the events in question would be finished by 10:00 p.m.

Mike Drella asked Ms. DelRose to explain outdoor seating and service.

Gina DelRose said businesses with their own property are allowed to have sales and service outside until 10:00 p.m.

Mike Drella asked for clarification.

Gina DelRose stated that the zoning ordinance used to require outdoor seating and service to end at 8:00 p.m. It was recently changed to be 10:00 p.m. due to a text

amendment brought up by an alderman. The reasoning was that it is still daylight past 8:00 p.m. during the summer.

Mike Drella stated that hours of operation of the special use could not be limited to earlier than 10:00 p.m. since the code allows for sales and service until 10:00 p.m.

The Chair invited statements from interested parties.

Valerie Rill was sworn in. Mrs. Rill said she feels privacy fencing would be a good thing due to trespassers and trash. Parking in the area also adds noise. Mrs. Rill said requiring events to end at 10:00 p.m. would also be helpful.

Amber Wenzel asked when the outdoor area would begin operations if the special use is approved.

Amber Reid said they do not have a date yet; they are awaiting approval.

Lawrence Rill was sworn in. Mr. Rill said he is not in favor of the parking lot having outdoor activities due to the noise, trash, overflow parking and in his opinion, 10:00 p.m. closing time would also be disruptive.

The public hearing was closed at 8:00 p.m.

It was moved and seconded (Cantrell/Racz) to accept the findings of fact as presented by the staff. The motion carried with a 7-0 roll call vote.

It was moved and seconded (Engelman/Gnewuch) to approve case 2019-03 with the conditions as presented by staff.

It was moved and seconded (Engelman/Gnewuch) to amend with the addition of Condition 6 which reads as follows:

6. Activities approved by this special use shall cease by 10:00 p.m. daily.

The motion to amend the conditions carried with a 7-0 roll call vote.

The motion to approve case 2019-03 as amended carried with a 7-0 roll call vote.

**2019-04; LHC Properties, LLC:** The applicant, Ryan Crombie, 201 S. 8<sup>th</sup> Street, South Beloit, IL 60180 on behalf of the property owner, LHC properties, LLC, 201 S. 8<sup>th</sup> Street, South Beloit, IL 60180 is requesting a variance to reduce the required setback from residentially zoned property from 300 feet to 150 feet, to allow outdoor commercial entertainment to occur zero feet from a residentially zoned property at 622 South 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, Central Business District. The subject property is approximately 0.50 acres and developed with a parking lot.

The public hearing opened at 8:04 p.m.

Mike Drella said the variance before the commission is dependent on the approval of the previous special use application. Mr. Drella suggested the hearing be held for the variance and that the commissioners agree to table the vote on the variance after the final vote by City Council on case 2019-03 for the special use at the same location.

This was agreed upon by unanimous consent.

Gina DelRose was sworn in. Ms. DelRose said the case was published in the Boone County Journal on February 22, 2019 and certified mailings were sent to surrounding property owners within 250 feet of the subject property on February 20, 2019. Ms. DelRose summarized the staff report dated March 6, 2019. Ms. DelRose stated the property owner purchased the parking lot with the intent to utilize it for customer parking and events hosted by Coach's Corner such as pig roasts, poker runs, charity events, etc. A privacy fence will be installed to buffer adjacent residences from the activities., however, the entire property will not be required to have permanent fencing. As building renovations continue there is the possibility that a portion of the parking lot will be fenced off for a permanent beer garden.

The zoning ordinance requires a bufferyard between outdoor commercial entertainment land uses and residentially zoned property. The zoning ordinance also requires that outdoor commercial entertainment land uses be a minimum of 300 feet away from residentially zoned property. The two houses to the south of the parking lot are zoned residential while the remaining houses are zoned Central Business. The parking lot is only 131 feet wide, making it impossible to meet the 300-foot setback.

The majority of outdoor commercial entertainment land uses are far larger than the proposed land use and would not be found downtown, in an area with small lot sizes. Zoning relief is often needed as older properties are redeveloped due to substandard lot sizes and existing improvements. The Central Business District allows for zero-foot setbacks, and minimal lot sizes and as such, variances are not often needed. The planning staff recommends approval of Case 2019-04.

The Chair invited questions of staff.

Carl Gnewuch asked if there are any other businesses in town similar to the subject in question.



Gina DelRose said Buchanan Street Pub has a large beer garden, Dodge Lanes also has a small beer garden, and there is a covered porch/walkway at the Backstop Bar & Grill. Of these, only the Backstop is adjacent to residentially zoned property, however, the footprint is smaller.

Mike Drella asked Ms. DelRose if this variance would be needed without the application for the special use at the subject property.

Gina DelRose said no. Gina DelRose said the questions asked with a special use application involve the potential impact on neighboring properties. With a variance, the question asked is whether there is a hardship which makes it impossible to use the property as it is permitted. The hardship that exists at the subject property is the small lot size.

Carl Gnewuch asked if special uses were granted for the other three beer garden/outdoor seating areas previously mentioned.

Gina DelRose said yes.

Paul Engelman clarified the direction from the city attorney regarding tabling the vote for the variance.

Mike Drella said the commissioners may indicate at this time how they are likely to vote on the variance in order to determine if it is worth waiting for a final vote on the special use.

Paul Engelman asked if the variance can be approved contingent on the approval of the special use.

Gina DelRose stated that a variance cannot be conditioned.

Mike Drella indicated an aerial map of the subject property.

The applicant had no statement to make.

No interested parties wished to speak.

The public hearing was closed at 8:17 p.m.

Mike Drella asked if the commissioners were likely to approve the variance.

Paul Engelman said he was inclined to approve it.

It was moved and seconded (Racz/Arevalo) to table the vote on Case 2019-04 until the approval of the special use for case 2019-03. The motion carried with a 7-0 roll call vote.

**OTHER BUSINESS:** None

**DISCUSSION:** None

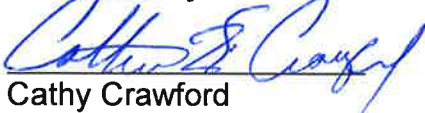
**Staff Report:**

Gina DelRose said there will be a variance application and several text amendments at the next meeting.


**ADJOURNMENT:**

The meeting adjourned at 8:20 p.m.

**Recorded by:**

  
Cathy Crawford  
Administrative Assistant

**Reviewed by:**

  
Gina DelRose  
Community Development Planner