

CITY OF BELVIDERE, ILLINOIS

ORDINANCE #522H

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW INDOOR COMMERCIAL ENTERTAINMENT (VIDEO GAMING) WITHIN THE GB, GENERAL BUSINESS DISTRICT (2038 NORTH STATE STREET)

PASSED AND ADOPTED

BY THE CITY COUNCIL

OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 1ST DAY OF MARCH 2021.

APPROVED BY THE

MAYOR OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 2ND DAY OF MARCH, 2021.

Published in Pamphlet Form this 2nd day of March 2021.

ORDINANCE NO. 522H

**AN ORDINANCE GRANTING A SPECIAL USE
TO ALLOW INDOOR COMMERCIAL ENTERTAINMENT
(VIDEO GAMING)
WITHIN THE GB, GENERAL BUSINESS DISTRICT
(2038 North State Street)**

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 and property owner, Vasant Patel, 7197 Golden Eagle Drive, Loves Park, IL 61111 is requesting a special use to permit indoor commercial entertainment to operate video gaming at 2038 North State Street; 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 February 9, 2021 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 GB, General Business District for indoor commercial entertainment (video gaming) on the property depicted in Attachment A and legally described as:

Parcel I

Lot 21 and Lot 22 in Harold V. Davis Subdivision of a part of the Southeast Quarter of Section 22, Township 44 North, Range 3 East of the Third Principal Meridian, as platted and recorded in the Recorder's office of Boone County, Illinois, February 7, 1956, in Book 4 of Plats, on pages 13 and 14, in Boone County, Illinois; Also a part of the Southeast Quarter of Section 22, Township 44 North, Range 3 East of the Third Principal Meridian, described as follows: Commencing at the Southeasterly corner of Lot 22 of Harold V. Davis Subdivision, as platted and recorded in the Recorder's Office of Boone County, Illinois, and running thence Southerly along the East line of Lot 22 aforesaid, extended a distance of 165 feet; running thence Westerly and parallel with the Southerly line of Lot 22 aforesaid, 165 feet to a point; thence Northerly and parallel with the East line of Lot 22 extended Southerly 165 feet to the Southwest corner of Lot 21 in said Subdivision, and running thence Easterly 165 feet to the Place of Beginning, in Boone County, Illinois. Excepting therefrom property deeded to Bruce W. Hoffman and Beverly F. Hoffman in Warranty Deed recorded January 7, 1991, as Document No. 91-63 described as follows: Part of the Southeast Quarter of Section 22, Township 44 North, Range 3 East of the Third Principal Meridian and part of Lot 22 as designated upon the Plat of Harold V. Davis Subdivision, the Plat of which is recorded in Book 4 of Plats on pages 13 and 14 in the Recorder's Office of Boone County, Illinois bounded and described as follows: Beginning at the most Southerly corner of said Lot 22; thence South 32 degrees 00 minutes 00 seconds West, along the Easterly line of said Lot 22 extended a distance of 165.00 feet; thence North 58 degrees 00 minutes 00 seconds West, parallel with the Southerly line of said Lot 22, a distance of 82.12 feet; thence North 32 degrees 00 minutes 00 seconds East parallel with the Easterly line of said Lot 22 a distance of 303.00 feet to the Southerly line of premises conveyed by Everett F. Johnson and wife to the State of Illinois by Instrument dated October 23, 1957 and recorded in Book 2 of Roads on page 198 in said Recorder's Office ; thence South 58 degrees 00 minutes 00 seconds East, along the Southerly line of said premises so conveyed by Johnson as aforesaid, 82.12 feet to the Easterly line of said Lot 22; thence South 32 degrees 00 minutes 00 seconds West, along

the Easterly line of said Lot 22, a distance of 138.00 feet to the Place of Beginning. Situated in the City of Belvidere, County of Boone and State of Illinois.

PARCEL II

Part of the Southeast Quarter of Section 22, Township 44 North, Range 3 East of the Third Principal Meridian, and part of Lots 20 and 21 as designated upon the Plat of Harold V. Davis Subdivision, the Plat of which is recorded in Book 4 of Plats on page 13 and 14 in the Recorder's Office of Boone County, Illinois, bounded and described as follows: Commencing at the most Southerly corner of Lot 22 as designated upon said Plat of Harold V. Davis Subdivision; thence South 32 degrees 00 minutes 00 seconds West, along the Easterly line of said Lot 22 extended, a distance of 165.00 feet; thence North 58 degrees 00 minutes 00 seconds West, parallel with the Southerly line of said Lot 22 a distance of 122.60 feet to the Point of Beginning for the following described parcel: Thence North 32 degrees 00 minutes 00 seconds East, parallel with the Easterly line of said Lot 22, a distance of 303.0 feet to the Southerly line of premises conveyed by Everett F. Johnson and wife to the State of Illinois by Instrument dated October 23, 1957 and recorded in Book 2 of Roads on page 197 in the Recorder's Office of Boone County, Illinois; thence North 58 degrees 00 minutes 00 seconds West, along the Southerly line of said premises so conveyed by Everett F. Johnson to the State of Illinois as aforesaid, 80.0 feet; thence South 32 degrees 00 minutes 00 seconds West, 303.00 feet; thence South 58 degrees 00 minutes 00 seconds East, 80.00 feet to the Point of Beginning, situated in Boone County, Illinois; Excepting therefrom the following described parcel: Part of the Southeast Quarter of Section 22, Township 44 North, Range 3 East of the Third Principal Meridian, bounded and described as follows: Commencing at the intersection of the Westerly line of Lot 19, designated upon the Plat of Harold V. Davis Subdivision, with the Southerly line of premises conveyed by Everett F. Johnson and wife to the State of Illinois by Instrument dated October 23, 1957 and recorded in Book 2 of Roads on page 197 in said Recorder's Office; thence South 32 degrees 00 minutes 00 seconds West, along the Westerly line of said Lot 19 as aforesaid and along the Easterly right-of-way for High Line Street as

designated upon the Plat of First Addition to Harold V. Davis Subdivision, the Plat of which is recorded in Book 5 of Plats on pages 24 and 25 in said Recorder's Office, 240.00 feet; thence South 58 degrees 00 minutes 00 seconds East, parallel with the Southerly line of said premises so conveyed by Johnson to the State of Illinois as aforesaid, 125.00 feet to the point of Beginning for the following described tract; thence continuing along said parallel line, South 58 degrees 00 minutes 00 seconds East, 35.00 feet; thence South 32 degrees 00 minutes 00 seconds West, parallel with the Easterly right-of-way line for High Line Street as aforesaid 63.00 feet; thence North 58 degrees 00 minutes 00 seconds West, parallel with the Southerly line of said premises so conveyed by Johnson to the State of Illinois as aforesaid, 35.00 feet; thence North 32 degrees 00 minutes 00 seconds East, parallel with the Easterly right-of-way line for High Line Street as aforesaid 63.00 feet to the point of Beginning; situated in the City of Belvidere, County of Boone and State of Illinois. PIN: 05-22-476-026

is hereby approved, subject to the following conditions:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.
2. The video gaming shall be in substantial compliance with the site plan submitted. (Attachment B)
3. The special use is only for the tenant space commonly known as 2038 North State Street.

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.

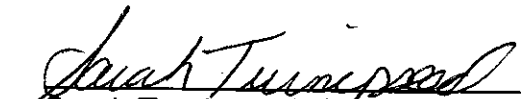
PASSED by the City Council of the City of Belvidere this 1st day of March, 2021.

APPROVED by the Mayor of the City of Belvidere this 2nd day of March, 2021.



Michael W. Chamberlain, Mayor

ATTEST:


Sarah Turnipseed, City Clerk

Ayes:10 Nays: 0 Absent: 0

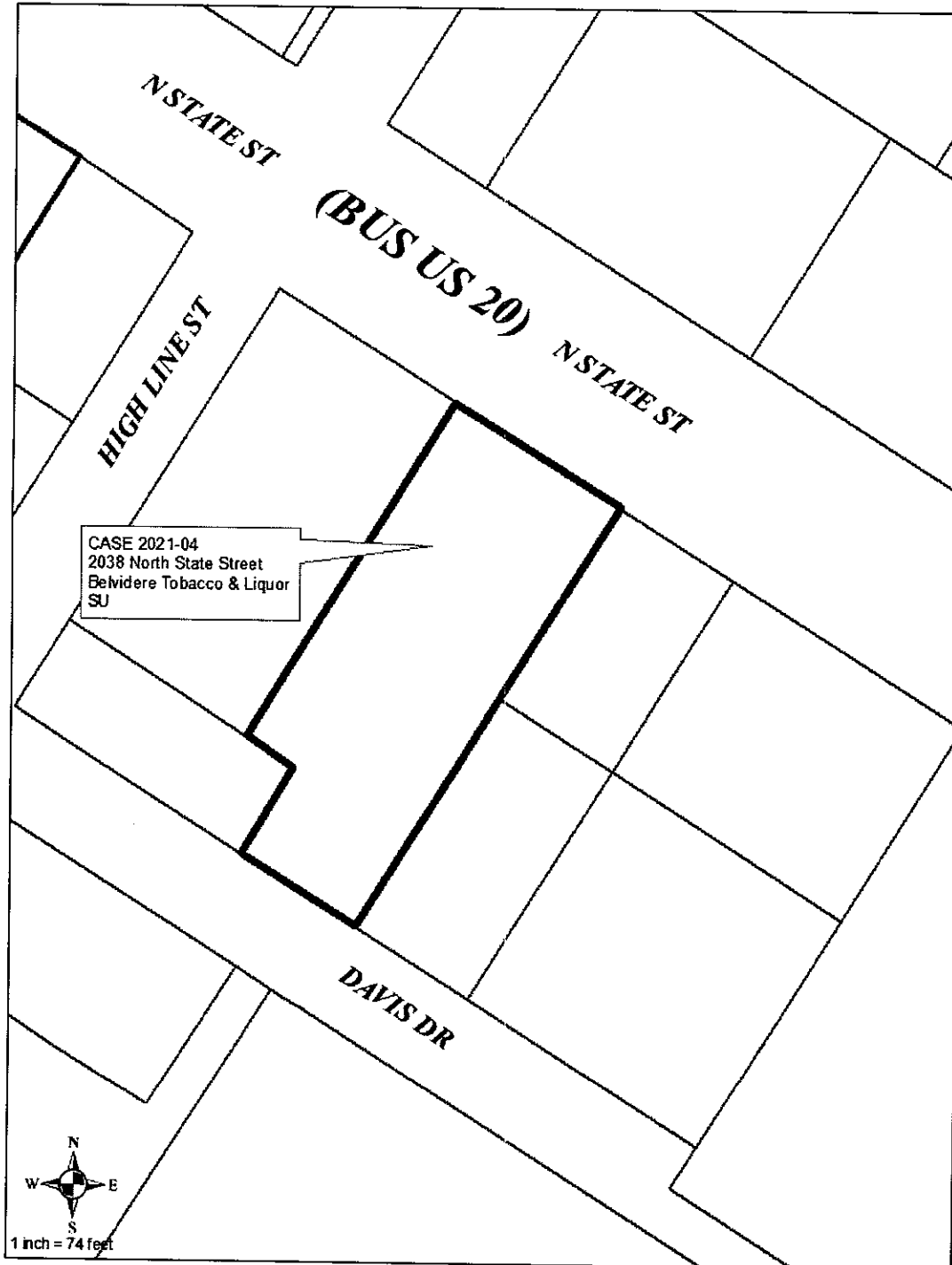
City Council Members Voting Aye: Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury, Frank, Freeman, McGee and Porter.

City Council Members Voting Nay: None.

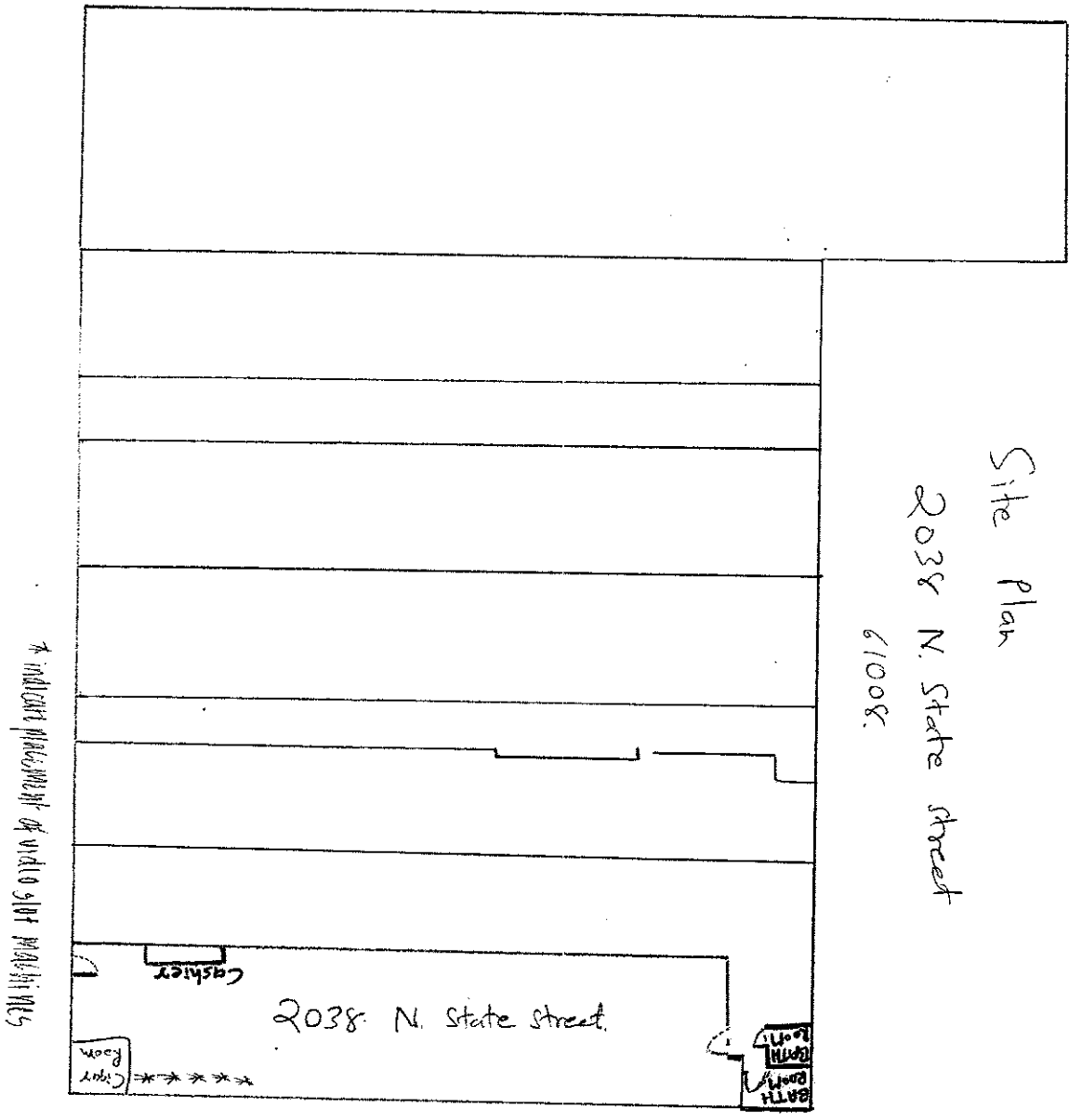
Date Published: March 2, 2021

Sponsor: Ald. Frank

ATTACHMENT A



ATTACHMENT B

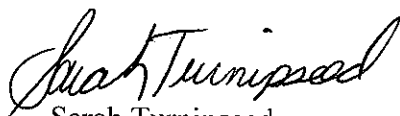


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STATE OF ILLINOIS)
)
COUNTY OF BOONE)

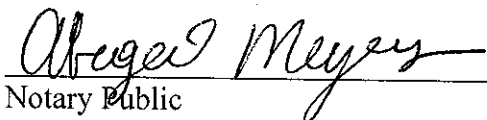
Sarah Turnipseed, first being duly sworn on oath deposes and says as follows:

By authority of the City Council of the City of Belvidere, Illinois, I published Ordinance #522H of the City of Belvidere, Illinois, in pamphlet form on March 2, 2021, and as a convenience for the public; I posted the pamphlet form of Ordinance #522H 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 2nd day of March, 2021.



Notary Public