Memorandum

DATE: July 21, 2021

TO: Village of Poplar Grove Planning and Zoning Commission

FROM: Gina DelRose, Community Development Planner

SUBJECT: Staff advisory memo for case: 2021-03; Grove Gaming, 100 East Grove Street

REQUEST AND LOCATION:
The applicant, Poplar Grove Entertainment d/b/a Grove Gaming, 303 North Main Street, 8th Floor, Rockford, IL 61101 on behalf of the owner, Peter and Heather Provenzano Charitable Lead Trust DTD 12/28/15 is requesting a special use pursuant to the Poplar Grove Zoning Ordinance, Section 8-6-9-B-2 Indoor Entertainment Sales/Service, Table 8-6-13 Permitted Uses and Section 8-5-7 Special Uses. Specifically, the applicant is requesting a special use to have video gaming machines in the former The Grove Bar and Grill at 100 East Grove Street, within the GB, General Business District on 0.58 acres of land (PIN: 04-18-300-002). The property is irregular in shape and developed with a multi-tenant building and parking area.

BACKGROUND:
The property is just over one-half acre in size and is developed with a 4,800 square-foot building that has been split into multiple tenant spaces. The property is legal non-conforming in regards to several aspects of the Zoning Ordinance. The parking area is comprised of asphalt and gravel with no clear demarcation of spaces. The building does not meet required setbacks and the existing improvements on the property exceed the maximum amount of lot coverage. It is unsure at this time what, if any, building, fire and health codes are not in compliance as well.

Although several aspects of the Zoning Ordinance are not met, due to the legal non-conforming status of the property, the property can continue to be utilized instead of becoming vacant for an extended period of time which leads to deterioration. However, through the conditions of approval for the requested special use, improvements to the property will be required.

The main tenant of the building from 2014 to July 2019 was The Grove Bar and Grill which included video gaming machines. The applicant is requesting to be able to operate video gaming machines on the property again. Staff is not aware of any negative impacts the previous video gaming machines created. All building, fire and health codes will need to be met prior to a new business opening on the property.

The adjacent property owners were sent certified notices on July 6, 2021 and the green cards have been returned. The request was published in the Boone County Journal on July 9, 2021. The appropriate village staff and other agencies were notified on July 6, 2021. No objections from the agencies were received.

FINDINGS OF FACT:
Per Section 8-5-7(D) of the Village of Poplar Grove Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

A. Findings: **The establishment, maintenance or operation of the special use would not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The property has operated as a multi-tenant commercial property for years. Most recently, the anchor tenant was a bar and grill with video gaming machines. Staff is not aware of any negative impacts the previous video gaming machines created and does not anticipate their reopening to be detrimental.

B. Findings: **The special use would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish or impair property values within the neighborhood.**

Due to the size and design of the building, video gaming machines will only be one component of the businesses operating on-site. Since the machines will occupy a small percentage of available tenant space, staff does not foresee it impacting the nearby properties more than other businesses that can operate on the property.

C. Findings: **The establishment of the special use will not impede the normal or orderly development and improvements of the surrounding property for uses permitted in the district.**

The properties to the north, west and east are zoned general business while the property to the south, across Illinois Route 173 is zoned residential. Although the property is at the corner of Poplar Grove Road and Illinois Route 173, it is sparsely developed north of Illinois Route 173.

The general business district permits professional services, indoor retail sales or services and open space. Institutional, entertainment and boarding land uses require a special use. The reopening of video gaming machines is not expected to negatively impact the existing businesses or deter other businesses from locating in the area.

D. Findings: **Adequate utilities, access roads, drainage and/or necessary facilities will be provided.**

The property is currently developed within a multi-tenant building and parking area. It has been used for commercial purposes prior to the special use request and is adequately served by utilities. The special use could require a tenant build-out, but not new construction.

E. Findings: **Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.**

The special use will be within an existing multi-tenant building with an off-site parking area. The amount of traffic generated by the special use will be minimal compared to other land uses that are permitted within the general business district. The existing road network is adequate.

F. Findings: **The special use shall, in all other respects, conform to the applicable regulations of the districts in which it is located.**

The special use will be required to conform to all the applicable regulations of the Zoning Ordinance, the Subdivision Ordinance, all other regulations and to any conditions of approval enacted by the Village Board.

RECOMMENDATION:
The planning staff recommends approval of case 2021-03 subject to following conditions:

1. The special use shall permit video gaming machines to operate in only one tenant space on the property.
2. The structure shall be brought up to building, fire and health codes prior to operating a new business
3. The entire parking area shall be paved with a hard, all-weather surface, to the satisfaction of the Village Engineer or Director of Public Works.
4. The entire parking area shall be striped in accordance with Section 8-10-7-B-5 of the Poplar Grove Zoning Ordinance.
5. The parking area shall be illuminated in compliance with Section 8-10-8 of the Poplar Grove Zoning Ordinance.

PLANNING AND ZONING COMMISSION/VILLAGE BOARD ACTION
The Planning and Zoning Commission shall make and forward findings of fact as to the compliance of the proposed special use with the standards and make a recommendation to the Village Board. The Village Board shall review the findings and recommendation and may accept or reject the findings and recommendation of the Planning and Zoning Commission in whole or in part; or the Village Board may refer the matter back to the Planning and Zoning Commission for further consideration. Any approval shall be considered the approval of a unique request and not be construed as precedent for any other proposed special use.

ATTACHMENTS

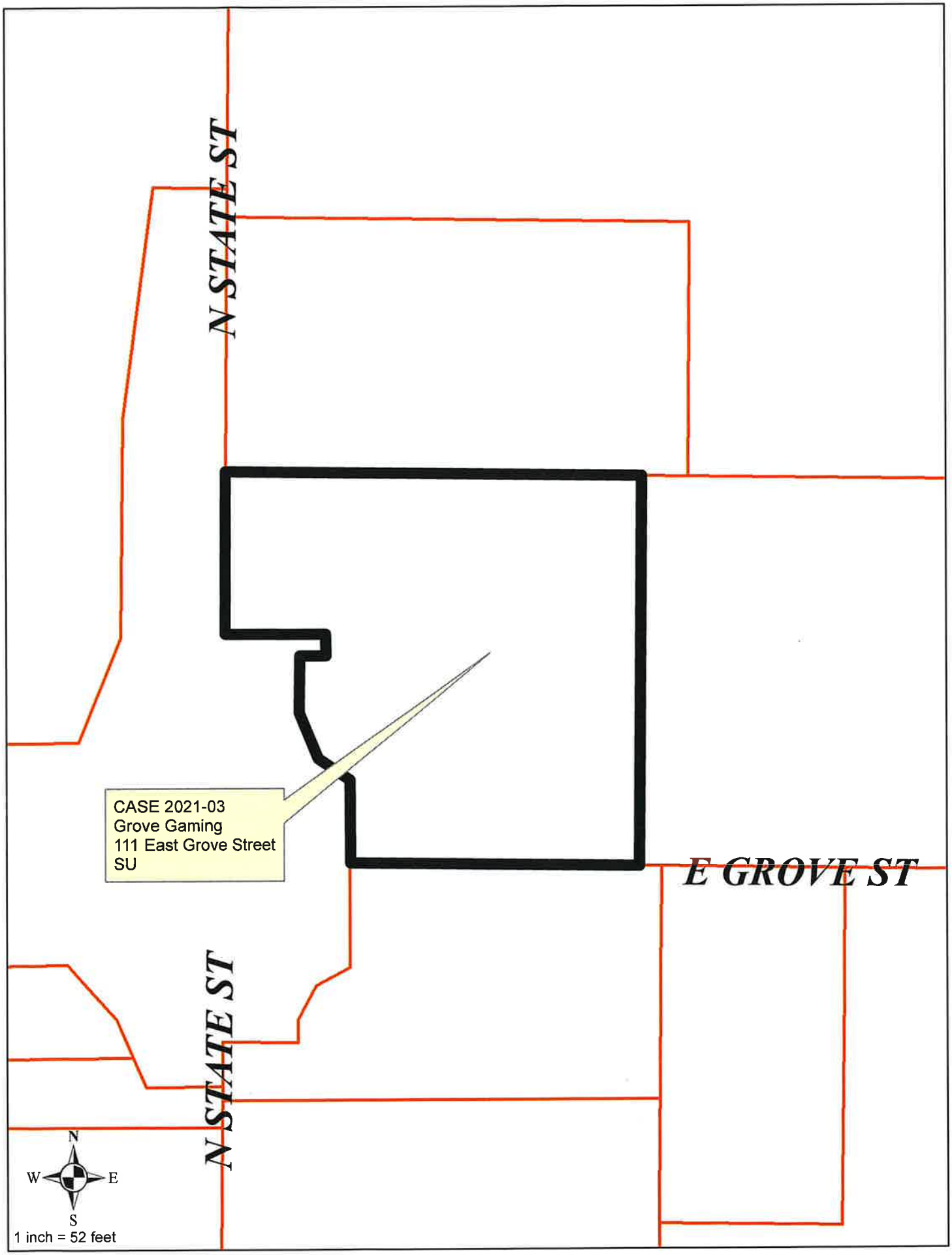
1. Location Map submitted by Planning Staff.

2. Aerial Photo submitted by Planning Staff.

6. Narrative submitted by the Applicant.

4. NRI 1653 submitted by the Boone County Soil and Water Conservation District, Teagan Duffy, June 22, 2021.

5. Letter from Boone County Health Department, Amanda Mehl, July 9, 2021.


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CASE 2021-03
Grove Gaming
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CASE 2021-03
Grove Gaming
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DETAILED WRITTEN STATEMENT FOR
APPLICATION FOR SPECIAL USE PERMIT FOR
POPLAR ENTERTAINMENT, INC. D/B/A GROVE GAMING

The Applicant wishes to obtain a Special Use Permit for indoor entertainment so as to allow the Applicant to obtain a liquor license and subsequent video gaming license to operate a video gaming parlor at the premises.

Boone County
Soil & Water
Conservation District

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

22 June 2021

SWCD NRI #: 1653
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:

__X__ Our review does not apply in this instance.
_____Other (see attached)

Location of Site: 100 E. Grove Street Poplar Grove, IL 61065
PIN(S): 04-18-300-002

Contact	Petitioner	Owner
Robert A. Calgaro, Attorney at Law	Poplar Entertainment, Inc. d/b/a Grove Gaming 303 N. Main Street, 8th Floor, Rockford, IL 61101	Peter and Heather Provenzano Charitable Lead Trust DTD 12/28/2015 303 N. Main Street 8th Floor, Rockford, IL 61101
(815) 987-4000 racalgaro@gmail.com		

Request: Special Use – Indoor Entertainment

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.

July 09, 2021

FAX: 815-547-0789

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

Planning Services for Village of Poplar Grove

Re: Case; 2021-03, Grove Gaming, 100 East Grove Street

Dear Gina,

We are in receipt of a copy of a special use request. Specifically, to have video gaming machines in the former The Grove Bar and Grill at 100 East Grove Street, within the GB, General Business District on 0.58 acres of land. (PIN: 04-18-300-002)

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 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.

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:

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.

Please let us know if you have any questions or concerns.

Thank you,

Amanda Mehl
Administrator of Public Health
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