

*Everything You Need!*

Phone 309-852-2611  
Fax 309-856-6001

January 29, 2021

Honorable Mayor and City Council  
Kewanee City Hall  
401 E. Third Street  
Kewanee, Illinois 61443-2365

RE: Report from Plan Commission for January 29, 2021 Meeting.

The Plan Commission convened on January 28, 2021 via ZOOM, commission member, Costenson was absent. For business, there was one case to be heard.

**Case Number 1: Special Use Permit to allow for a non-residential parking area for equipment accessory to Hayes Excavating, Ray Hayes/Hayes Excavating, 918 Kent St.**

**Parcel 20-27-331-005 Located at 918 Kent St.**

**Property Owner:** Ray Hayes, 1024 E. 9<sup>th</sup> St., Kewanee, IL. 61443.

**Address:** 918 Kent St.

**Legal Description:** S110 LT 3 BLK 1 SIMPSONS 3RD ADD CITY OF KEWANEE, Kewanee, Henry County, Illinois.

**Location:** Northeast corner of East 9<sup>th</sup> St. and Kent St.

**Dimensions:** Approximately 110 feet North to South at the West property line and 230 feet East to West at the North property line. The property is triangular in shape. The South property line is angled and parallel to the railroad tracks.

**Area:** 0.29 Acres or 12650 Square feet, approximately.

**Existing buildings or uses:** Graveled lot.

**Current Zoning District:** R-2 One-Family Dwelling District.

**Surrounding Zoning:** R-2 One-Family Dwelling District to the North, West and South on the opposite side of the railroad tracks. B-3 Business and Wholesale District to the West.

**Existing Land Use:** Low Density Residential.

**Proposed Land Use Map:** Low Density Residential.

Background Information:

On November 18<sup>th</sup>, 2020, I was contacted by Tony Nyert, of 406 N East St., inquiring about the zoning for 918 Kent St. The complaint was that the property was being used for commercial storage of misc. equipment upon a residential zoned parcel.

Research of the street files at City Hall reveals that Hayes requested to re-zone the property in 1992. This re-zoning request was denied.

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I contacted Ray Hayes after speaking with Nyert and researching the files. Hayes wanted to know if there was anything he could do. I advised Hayes that he could try to get a Special Use Permit for the property to allow him to store equipment on the subject property. I explained to Hayes that with a Special Use Permit, the Plan Commission could place stipulations upon the property to maintain some control of what happens on the property. By going this route, if Hayes were to sell the property it would maintain its residential zoning status. Hayes inquired about the process to obtain the Special Use Permit and requested the application to do so.

When looking at the zoning map, a large portion of the City that is adjacent to the railroad tracks is zoned for business or manufacturing use. A Special Use Permit to allow parking of equipment accessory to Hayes' business, located directly across the street to the West, would not be out of character.

Included with this packet is a satellite photo of the subject property. I would encourage all Plan Commission members to do their own on-site inspection of the property.

If the Plan Commission were to make a recommendation to grant the Special Use Permit, here is a list of possible stipulations.

1. The Special Use Permit to allow a storage of equipment accessory to Hayes Excavating is granted to Ray Hayes only and is not transferable.
2. Storage of equipment must not obstruct the vision of motorists or pedestrians at the intersection of East 9<sup>th</sup> St. and Kent St. nor that of the neighboring property adjacent to 918 Kent St.
3. No storage of scrap material of any sort shall be permitted.
4. No storage of inoperable vehicles or machinery shall be permitted.
5. No overgrowth of vegetation shall be permitted in violation of city ordinance.

#### Special Use Permit Criteria (155.157 C)

- (1) That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community;
- (2) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity, and
- (3) That the proposed use will comply with the regulations and conditions specified in this chapter for such use, and with the stipulations and conditions made a part of the authorization granted by the Council.

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At 7:00 p.m. on January 28, 2021, the hearing for the Special Use Permit to allow a non-residential parking area to Ray Hayes was held. Ray Hayes was present to represent the petition.

- Hayes stated there will be no motorized vehicles on the lot with exception a vehicle used to pull a trailer off of the lot.
- Morrison explained to Hayes that if the Special Use Permit were to be granted that there may be stipulations on the permit including that the permit would not be transferrable. Hayes stated that he understood.

There were no others present in support of the petition.

There were two objectors.

- Tony Nyert, of 406 N East St, Kewanee. Nyert stated that he owns 926 Kent St. which is next door to the subject property. Nyert claims that the garage door at 926 Kent St is 12 feet away from the fence on the subject property and when Hayes is on the property, exhaust smell from Hayes' truck gets inside the house at 926 Kent St.
- Commission member Edleman asked Nyert if the equipment on the subject property was present at that point.
- Nyert said it was because his mother was too scared to say anything. Nyert added that there wasn't supposed to be anything allowed on 918 Kent St. since 1993. But for some reason things just kept being placed over there.
- Diana Ritz, who lives in the Quad Cities, was present to speak in opposition of the petition. Ritz stated that she is Nyert's sister and is just present to verify what Nyert said is true.
- Commission member Hodge asked Edwards what the current zoning of the parcel is. Edwards stated that the parcel is zoned R-2 Residential. Edwards went on to explain that there was a rezoning request back in 1992. That request was denied. Edwards stated that he was not aware of that rezoning case until the day that Nyert called him on November 18, 2020. After receiving that phone call and verifying the information about the case, Edwards called Hayes. Edwards explained to Hayes, at that time, that Hayes' only other option was to apply for the Special Use Permit to allow for a non-residential parking area for the land in question. Hayes applied for the Special Use Permit at that point. Edwards explained, to the commission members, that the Special Use Permit differs from rezoning, in that, with the Special Use Permit, the parcel will remain zoned as residential. This is important because if Hayes sells the parcel in the future, it would retain the residential status and would have to be used as such. Also, the commission can add stipulations to have greater control over the land use. If the Special Use Permit is not granted, Edwards added,

Hayes will have to remove any equipment on the parcel immediately and now that Edwards is aware of the history on this parcel, it can be monitored to ensure it is not unlawfully being used.

- Commission member Mirocha inquired if the subject property has ever had any other Special Use Permits in the past. Edwards stated it has not.
- Commission member asked if the property is large enough to place a house on. Edwards stated it is large enough, though it may be difficult due to the triangular shape.
- Commission member Sellers asked if we know why the rezoning request in 1992 was denied. Edwards stated that, according to the files that were located, it was due to opposition from property owners in the area.
- Commission member Sayers inquired about the possibility of the exhaust smell coming from Hayes' business property which is located directly across the street from the subject property and Nyert's property.
- Hayes stated that E 9<sup>th</sup> St. is pretty busy with truck traffic and that Hayes's property as well as Nyert's property are very close to the railroad tracks so some of the exhaust smell could be from those sources too. Hayes also said there will be no vehicles left on the lot idling. The only motorized vehicles will be a pickup truck or semi-tractor used to drop off or pick up a trailer for just a few minutes.
- Commission member Mirocha asked how often Hayes is physically on the lot to remove or place a trailer. Hayes replied 3 or 4 times a month, maybe.
- Commission member Hodge stated that he is in a similar business and that to drop or pick up a trailer, it only takes approximately 10 minutes.
- Commission member Edleman inquired where Hayes loads equipment on to the trailers. Hayes said he takes the trailer across the street to the business location to do all the loading and unloading of the trailers.
- Commission member Hodge inquired how far Hayes business across the street to Nyert's house is. Hayes estimated 80-100 feet. Hodge stated that if Hayes is loading equipment at his business across the street from Nyert's house, that could also be the source of exhaust fumes.
- Hayes added that his trucks are pretty new and, referring to emissions, you don't see much exhaust coming from them. Hayes stated you just don't see large plumes of smoke coming from his trucks.
- Commission member Hodge added that if Hayes is pulling a trailer, that is loaded with a bull dozer, off of his business zoned property across the street, that semi-tractor may very well blow enough exhaust into the air to be detected across the street. So the fumes could very well be coming from across the street from the business zoned lot.

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**Recommendation:**

After discussing the facts and testimony presented, the Plan Commission, by a vote of five in favor, three opposed, one absent, that the special use permit for a non-residential parking area be granted to Ray Hayes for the property located at 918 Kent St.

Additionally, the Plan Commission recommends by a vote of eight in favor, none opposed, one absent that the following eight stipulations be placed on the Special Use Permit.

1. The Special Use Permit to allow a storage of equipment accessory to Hayes Excavating is granted to Ray Hayes only and is not transferable.
2. Storage of equipment must not obstruct the vision of motorists or pedestrians at the intersection of East 9<sup>th</sup> St. and Kent St. nor that of the neighboring property adjacent to 918 Kent St.
3. No storage of scrap material of any sort shall be permitted.
4. No storage of inoperable vehicles or machinery shall be permitted.
5. No overgrowth of vegetation shall be permitted in violation of city ordinance.
6. No loading or unloading of equipment on or off trailers shall be permitted.
7. All activities associated with this Special Use Permit shall be conducted in full compliance with the Kewanee City Code and the laws and regulations of the State of Illinois.
8. Any violations of the terms and conditions of the Special Use Permit are subject to review and possible revocation by the Plan Commission and City Council.

There being no further business, the meeting adjourned at 7:41 p.m.

Respectfully yours,



Steve Morrison, Chairman



PLAN COMMISSION

Date

1/28/2021

Attendance

S.U.

STOPS

	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	
COSTENSON	X	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
EDLEMAN	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
HEMPHILL	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
SELLERS	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MIROCHA	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MORRISON	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
HODGE	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
SAYERS	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MILROY	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
	8	1	54	30	84	DN					