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March 24, 2023

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

RE: Report from Plan Commission for March 23, 2023 Meeting.

The Plan Commission convened on March 23, 2023 in the Council Chambers at Kewanee City Hall, commission members Sellers, Mirocha and Sayers were absent. For business, there were three cases to be heard.

Case Number 1:

HEARING TO REVOKE THE SPECIAL USE PERMIT FOR FAILURE TO SATISFY THE STIPULATIONS PLACED BY THE PLAN COMMISSION AND CITY COUNCIL.

PLEASE SEE THE FOLLOWING MINUTES FROM THE PLAN COMMISSION MEETING On 2/25/2021 AND CITY COUNCIL MEETING 3/4/2021.

Parcel 20-28-328-016 Located at 1047 N. Main St., Special Use Permit Petition to allow an automobile, truck, utility trailer, tractor, or bus storage yard, operable vehicles only.

Property Owner: Robert Barnes, 824 Rockwell St., Kewanee, IL. 61443.

Address: 1047 N. Main St.

Legal Description: E 1/2 OF N 1/2 LT 2 SUB OF E SW SEC 28 T15N R5E LANDS INCORP [EZ], Kewanee, Henry County, Illinois.

Location: On the West side of the 1000 Block of N. Main St.

Dimensions: 295 feet East to West, 66 feet North to South

Area: 19470 Square feet, approximately.

Existing buildings or uses: Single family dwelling (recently demolished) & accessory building(s).

Current Zoning District: B-3 Business Service & Wholesale District.

Surrounding Zoning: B-3 Business Service & Wholesale District to the South, B-1 Business District, Limited Retail to the North and R-2 One-Family Dwelling District to the West.

Existing Land Use: Low Density Residential.

Proposed Land Use Map: Commercial.

Background Information:

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The proposed location previously had a single-family dwelling which was recently demolished by Barnes. The demolition work is not completed at this time. Barnes states in his narrative that he plans on finishing the work in the spring. Barnes also states, in his narrative, that he plans to grade the hill, install a fence, and repair the existing garage with a goal of finishing all the work by 2023.

I do not see any items of concern with this Special Use Permit request. At the end of this section are the three criteria that must be satisfied prior to recommending a Special Use Permit granted. Directly below is a set of suggested stipulations that might be placed on Special Use Permit as requested.

1. The Special Use Permit is granted to Robert Barnes, DBA Barnes Trucking, only, and is not transferable to any successor property owners.
2. The demolition work, proposed fence and building repairs shall be completed to the satisfaction of the City.
3. All work requiring permits shall only be performed after first acquiring the required permits and all inspections shall be requested and performed as required by Kewanee City Codes.
4. All structures and fences on the property shall be kept in good repair, appearance maintained and in compliance with all applicable Codes.
5. A Six (6) foot privacy fence shall be installed in full compliance with Chapter 158 of the Kewanee City Code.
6. All activities associated with this Special Use Permit to operate an automobile, truck, utility trailer, tractor, or bus storage yard, operable vehicles only shall be conducted in full compliance with the Kewanee City Code and the laws and regulations of the State of Illinois.
7. 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.

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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Fax 309-856-6001**The Public Hearing:**

At 7:08 p.m. on February 25, 2021, the hearing for the Special Use Permit to allow an automobile, truck, utility trailer, tractor, or bus storage yard, operable vehicles only was held. Robert Barnes was present to represent the petition.

- Barnes stated that he wants to use the property for his trucking business. He plans to tear down the existing fence, that is in poor condition, and install a new one. He also wants to put a new roof on the existing garage.
- There was some general discussion concerning the special use being allowed in B-3 zoning. Edwards pointed out that this special use was moved to B-3 per ordinance #4014 passed on July 27, 2020 by the City Council.
- There was discussion concerning the fence height. The Plan Commission felt that a six-foot privacy fence would be adequate.

There were no others present in support of the petition.
There were no objectors.

**FOLLOWING ARE THE MINUTES/DISCUSSION FROM THE MARCH 4,
2021 CITY COUNCIL MEETING CONSIDERING THE SPECIAL USE PERMIT
REQUEST TO ALLOW AN AUTOMOBILE, TRUCK, UTILITY TRAILER,
TRACTOR OR BUS STORAGE YARD, OPERABLE VEHICLES ONLY.**

c) Consideration of an Ordinance # 4046 to grant a Special Use Permit to allow an automobile, truck, utility trailer, tractor, or bus storage yard, operable vehicles only to Robert Barnes, owner of and doing business as Barnes Trucking, to be located at 1047 N. Main St. Councilmember Komnick moved to approve. Councilmember Colomer seconded the motion. Discussion: Mayor Moore started with asking if any neighbors were present and had any concerns. He noticed that there were none that attended the special meeting. Moore was concerned about the look of the property and its location in the City. Mr. Barnes stated that he has tried to put a fence up but having a hard time getting the material. Barnes stated he was wanting to get one like Hodge. Komnick asked how close was he with the demolition. Barnes stated waiting till spring and after the rains. Keith Edwards stated that there is no reason he could not have a metal fence. Yaklich asked Barnes to investigate the Enterprise zone. **Councilmember Colomer amended the Ordinance to reflect a time of 6 months to get the fence completed. Councilmember Yaklich seconded the Motion. Motion passed 5-0**

ADDITIONAL INFORMATION FOR CONSIDERATION:

Notices have been sent to Barnes in effort to make contact and gain compliance with the stipulations placed on the Special Use Permit. No productive communication was had as a result of the notices. The last notice sent included a warning that the City would send the case back to the Plan Commission for a Hearing To Revoke the Special Use Permit. This notice yielded a response from Barnes who was argumentative.

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Gaining no apparent attempts to comply with the stipulations, I spoke with the City Manager who agreed that the case needs to follow the process to revoke the Special Use Permit. I requested the City Attorney to send a letter to Barnes (copy of the letter included with this packet).

The letter from the City Attorney advised Barnes to contact my office in 14 days, from the date of the letter, to submit plans to finish the work required by the stipulations. The letter gave Barnes 30 days from the date of the letter to commence the required work. Barnes has yet to contact me; however, Mayor Moore advised that Barnes did contact him. Mayor Moore stated that he advised Barnes to contact my office and to develop a plan to get the work done. Again, Barnes has not contacted my office.

The City requests that the Plan Commission make a recommendation to the City Council to revoke the Special Use Permit granted to Robert Barnes for property at 1047 N. Main St.

The Public Hearing:

At 5:00 p.m. on March 23, 2023, the hearing to revoke the Special Use Permit to allow an automobile, truck, utility trailer, tractor, or bus storage yard, operable vehicles only, was held. Robert Barnes was present to represent the petition.

- Morrison read the background information and pointed out the City Council, during the March 4, 2021 meeting, added the stipulation that the fence must be completed within 6 months.
- Morrison pointed out that there is a letter in the packets from the City Attorney to Barnes dated November 8, 2022. The letter gave Barnes 14 days to submit plans to the City and 30 days to commence work.
- Edwards pointed out that the fourth stipulation on the Special Use Permit stated that all structures and fences on the property shall be kept in good repair, appearance maintained and in compliance with all applicable Codes. Edwards brought attention to the submitted photos, taken earlier this same day, that showed the unfinished fence and a dilapidated garage.
- Barnes stated that he told Edwards in late November that he would "get back on it" in the Spring time. Barnes stated that money is a problem. Barnes stated that he doesn't believe he needs the special use permit because the code was changed and that the trucks had been there 2-3 years prior to getting the special use permit. Barnes said that he told the Council that he would enclose the front of the property, then later on would install the rest of the fence. Barnes said he is being harassed.
- Barnes said that Edwards contacted the lawyer and said there was no use in talking to the lawyer, instead Barnes contacted the Mayor. The Mayor told Barnes to contact Edwards to discuss the plans and that Edwards is reasonable. Barnes didn't contact Edwards and said that "he's done with him".

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- Morrison asked if Barnes understood that the fence was to be completed in 6 months. Barnes stated that he did not agree to do the whole fence in 6 months.
- Barnes stated that he has put more money into this property than most people have paid for their property in this town.
- Hodge said that he agreed that Barnes has cleaned up the property.
- Edleman agreed with Hodge. Edleman said that he could not find anything at fault with the property except for the garage not being repaired.
- City Attorney Justin Raver stated that Barnes said he could not do the work in the winter and Raver, which is understood, but it's been two years since the special use was granted. This is not something that happened six months ago. Raver stated that the City doesn't go to "the lawyer" when it's just to harass.
- Hodge asked if this get's revoked, what would happen to the property.
- Edwards advised that the fence would not have to be removed, but all code violations would need to be removed and he would not be allowed to have the truck and trailer storage yard.
- Morrison asked for a motion to revoke or not to revoke the special use permit.
- Edwards pointed out that we need a motion to revoke the special use permit and then the commission members would vote either "No" to not revoke the permit or "Yes" to revoke the permit.
- Edleman asked if there was a middle ground if they don't want to do either.
- Hodge agreed with Edleman and stated that we have Spring and Summer time coming up.
- Edleman said he know this keeps getting pushed along but asked if we could give him six more months.
- Raver stated that the Commission has every right to give six more months; however, it's been two years. Mr. Barnes has ignored the City. He's ignored our Code Enforcement Officers. He's been actively aggressive in his opposition to comply with the stipulations. He ignored Raver's letter. Raver gave Barnes opportunities to work with the City and Barnes chose not too.

Recommendation:

After discussing the facts and testimony presented, the Plan Commission, by a vote of two in favor, four opposed, three absent, to revoke the special use permit for an automobile, truck, utility trailer, tractor, or bus storage yard, operable vehicles only. Motion failed.

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Parcel 25-04-351-003 Located in the 700 block of West South St. on the North side of the street., Requesting the parcel to be Rezoned from R-1 One-Family Dwelling District to M-2 Manufacturing District, General AND A Special Use Permit for a Ground Mounted Solar Array.

Property Owner: Anthony Donato, 707 Osterman Ave Unit 1546, Deerfield, IL. 60015

Applicant: Anthony Donato, 707 Osterman Ave Unit 1546, Deerfield, IL. 60015

Address: 700 W. South St.

Legal Description: SW SW, EX SE COR & EX HWY, SEC 4 T14N R5E LANDS INCORP CITY OF KEWANEE, Henry County, Illinois.

Location: 700 block of West South St. on the North side of the street.

Dimensions: Approximately 1299 East to West, 1270 feet North to South.

Area: 1,649,617 Square feet 37.87 acres.

Existing buildings or uses: Agricultural.

Current Zoning District: R-1 One-Family Dwelling District.

Surrounding Zoning: R-1 One-Family Dwelling District to the East and West. R-2 One-Family Dwelling District to the North. M-2 Manufacturing District further (approximately ¼ mile) to the West.

Existing Land Use: Not indicated.

Proposed Land Use Map: Institutional.

Background Information:

Anthony Donato recently purchased the subject property and contacted me reference to building a storage unit facility and the placement of a solar array. Donato was advised that the property would need to be rezoned for the storage unit to be allowed and a Special Use Permit would be required for the ground mounted solar array. The zoning district options were discussed.

The rezoning must be discussed and voted on first since the large ground mounted solar array special use permit is only allowed in Manufacturing Districts by ordinance.

If the rezoning is granted, directly below is a set of stipulations that might be placed on a Special Use Permit for a large ground mounted solar array:

1. The Special Use Permit to allow a large ground mounted solar array is granted for the parcel #25-04-351-003 located in the 700 block of West South St. These stipulations will transfer to all future owners of the parcel and shall be enforceable for as long as the solar array exists.

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2. The owner of the property shall apply for all permits required by the City and shall submit all required engineering documents with the application.
3. The owner of the property shall cause a fence to be installed around the perimeter of the solar array in compliance with the City's solar ordinance.
4. The owner of the property shall keep the property in compliance with all building codes and property maintenance codes adopted by the City.
5. If the array becomes inoperable for a period of 6 months, the owner shall remove the array in its entirety.
6. 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.
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.

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.

The City has concern with the rezoning request as this parcel is not directly adjacent to the M-2 zoning to the west and would leave an island of residential zoning between the two M-2 districts. However, should the rezoning be granted, the city has no concerns about the special use permit being granted as filed.

Minutes from the February 23, 2023 Plan Commission meeting:

The Public Hearing:

At 7:19 p.m. on February 23, 2023, the hearing to rezone the subject parcel from R-1 One-Family Dwelling District to M-2 Manufacturing District, General, was held. Anthony Donato and Tony Grilo were present to represent the petition.

- Edwards read the background information to the Plan Commission.
- Grilo said they are hoping to install a climate controlled storage facility for RV's, boats, etc. They plan to keep approximately a 50' buffer from residential area and

will plant trees and other vegetation to keep it pleasing to the eye. Their plan is to coordinate with Pheasants Forever who will plant the areas in between the solar panels to support pollination and small wildlife. The vegetation will also aid in the water runoff concerns.

- Morrison clarified the parcel of land is approximately 40 acres in size and placement of the building and array. Grilo stated that the building will be towards the front of the property along South St and that the array may be spread over the remaining portion of the property but nothing is "set in stone".
- Dana McReynolds of 839 Page St. came forward opposing the petition. McReynolds' concern is the size of the array. McReynolds also said they should clarify more specifics on the size of the solar array.
- McReynolds said that the proposed use and zoning would negatively impact the property values of all the residential properties in the vicinity. McReynolds said there have been studies done that reflect this and there's a website that he researched called responsiblesolar.com that has done significant studies on the impact of solar on property values. McReynolds said there hasn't been any environmental studies with what the owner's are proposing to do on the property and the effects of rain water with regard to these large arrays. McReynolds stated that the array is not designed to power the storage unity but rather is designed to feed power back to the grid so the owner of the array can make money. McReynolds said this does nothing to create jobs and the only person that benefits from this is the land owner from Deerfield, IL. McReynolds gave the Commission a copy of a document from the website mentioned earlier.
- Anthony Donato responded to McReynolds concerns. Donato said his goal is to develop the land with a storage facility and the solar is secondary. The solar is behind the meter. Donato said these storage units are larger than what exists already in Kewanee. Donato said the solar arrays will feed into each of the individual storage unity meters. Because the array is behind the meter, so instead of getting a power bill, their power bill should be zero. Donato said this is not community solar. Donato said the maximum height of the arrays should be 7' to 8' comparable to a corn field height.
- Grilo said that the environmental impact is why they are partnering with Pheasants Forever so that there will be 25 acres of natural habitat for wildlife and to keep the water run off from causing any negative impacts. Grilo said that the actual square area of the solar panels is approximately 7 acres. Grilo also stated that they will extend the row spacing between panels to use up most of the 40 acres, so it's not the panels themselves but rather the spacing between the rows of panels that are using up most of the space. The goal is to have zero power bill.
- Morrison asked how many storage units they plan to have. Donato said between 28 and 40.

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- Milroy asked if they have done research on how their project will effect property values. Grilo stated he has not but has seen the website mentioned. Grilo said there's no actual data and it's all based on speculation right now.
- Donato said, concerning the negative effects that solar may cause could be argued that farm land also has negative effects with the use of pesticides and herbicides. Donato said they are taking that away and adding nice landscaping and flowers.
- Pam Camey of 609 Midland Dr. came forward opposing the petition. Camey said she is not opposed to the solar array but is concerned about the storage units and wants clarification on the placement and size of the storage units.
- Grilo said their goal is to keep the residents happy and are open to modifying their placement of the units to keep the neighbors happy.
- Grilo tried to give Camey clarification on the placement of the storage units. Grilo wants to keep a buffer of vegetation between the residents and the storage units and solar array.
- Paul Estes of 476 Valmar Dr. came forward opposing the petition. Estes asked what are the storage units going to be used for and how are they going to generate revenue. Estes said we already have an abundance of storage units in town. Estes said that he can't understand how they will generate enough revenue to pay for the proposed plan. Estes also wanted to know if the storage units will be one or two stories and why Kewanee, IL.
- Morrison asked Edwards to comment on what the storage units will look like. Edwards replied that he has not received plans at this time and that when a permit and plans are submitted that the code will require the plans to be signed and stamped by an Illinois licensed design professional.
- Estes asked how long they plan to be "in to this". Estes asked if they are going to do this for a year and walk away?
- Grilo stated that another building they did, has 12' side walls and approximately peak height of 22' and would most likely be steel siding. Grilo said this size accommodates most large RV's and boats etc. which is what this type of storage is aimed towards. It makes it so that you don't have to winterize your RV or boat.
- Grilo said, concerning how long he plans to be in this, he "hopes forever". Grilo said he has a 7 year old that he brings with him to all the storage properties and hopes that he will some day take over.
- Edleman asked if Grilo did any research on the area. Grilo said that he did research on the area and Kewanee was an area he has been looking at for some time.
- Hodge verified that, if the Commission votes in favor of the Manufacturing zoning, 10 years down the road, if they sell the property, someone could potentially tear down the storage and solar and put a manufacturing plant on the property. Morrison stated that is correct.

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- Grilo inquired if there could be a special use permit or zoning issued only to them as the owner. Edwards stated he would like to consult the City Attorney for recommendations.
- Donato said that this project will cost approximately 15 to 20 million dollars and has a life expectancy of 25 to 50 years. The panels have a warranty of 30 years. Donato believes that whoever would buy the land in the future would probably just install the newest solar technology at that time and continue as is.
- Donato said the City of Kewanee has this land in the enterprise zone and that zone is there because the City wants this area developed.
- Donato added if there's any way to have it zoned only to him and this use, such that it would go back to residential if the storage are no longer used or the solar array is no longer operable, he would be in favor of that.
- Donato said the reason he wants to build climate controlled storage units is because of market demand.
- Estes asked what kind of construction methods are used for the pole buildings.
- Edwards advised that, if approved, all construction methods will be required to comply with the International Building Code.
- Mike Mulcahy of 611 Midland Dr. came forward in opposition to the petition. Mulcahy said he wishes the City would have sent out a plat of the land showing the placement of the storage units and the solar array. Mulcahy also wants to know what it's going to look like and is it going to look nice. Mulcahy said that he moved to the house he lives in now because of the view of the open field behind him.
- Morrison said the building will need to comply with the building code and none of the codes tell you what the building needs to look like.
- Grilo said he wants to be a good neighbor and his goal is to make it look nice by utilizing vegetation and flowers for pollination.
- Jack Hageman of 607 Midland Dr. came forward in opposition of the petition. Hageman stated that he objects to the rezoning for the same reason mentioned earlier. Hageman doesn't want a hog slaughter plant or manufacturing to move in. Hageman doesn't have an objection to the proposed storage units or solar if it is done in an aesthetically pleasing way.
- Morrison asked Edwards if the Storage units have to be in M-2 zoning. Edwards advised the Storage units can be in B-3 or higher. Edwards went on to say that a "large ground mounted solar array" is what needs the M-2 zoning with a special use permit.
- Grilo asked if they could request a change to B-3 zoning but get a variance for the solar array?
- Edwards said there might be a stipulation that could be suggested for the rezoning but is not sure if that would be lawful and would prefer to seek advice from the City Attorney.

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- Sellers asked if they can table the petition to give Edwards time to consult the City Attorney. Edwards said that is an option.
- Anthony Finn of 613 Midland Dr. came forward in opposition to the petition. Finn said he likes the view and sunsets from his property and says that the storage unit and solar array will ruin that view. Finn is also concerned that his real estate taxes will go up if the rezoning is allowed and is worried about the traffic from the storage units.
- Grilo stated that a two-story house or housing development would have the same result. Grilo stated the current zoning would allow for such development.
- Grilo stated that storage units rarely have much traffic as people come to store something or retrieve something and then leave.
- Costenson asked for clarification on the zoning requirements for storage units which is B-3.
- Camey asked about the decommissioning of the solar array if it ever becomes abandoned.
- Edwards stated that there's a suggested stipulation written on this request that address the abandonment and decommission of the solar array.
- Chris Lamb of 615 Midland Dr. came forward in opposition to the petition. Lamb said that he just moved there last summer and is concerned mostly for his property value and also is concerned about their view out the back yard of their property.
- Estes came forward and requested to see their business plan and building plans. Estes says he has a problem with how they are going to make money off of this project.
- Morrison stated that how they make money from their project is not the concern of the Plan Commission.
- Thomas Goodwin of 555 Midland Dr. came forward in opposition to the petition. Goodwin said that he has a petition showing that the residents are opposed to the rezoning request and claims that Lou Little did not want the land to be rezoned.
- Morrison stated that if the rezoning is granted and the property becomes abandoned it will go back to R1.
- Edwards advised that if the property is rezoned, and becomes abandoned, the property will retain its zoning designation at the time it is abandoned. So if the property is granted M2 zoning, it would remain M2 unless there's another hearing to change it.
- Costenson and Hodge stated they agreed Edwards.
- Carol McReynolds of 839 Page St. came forward in opposition to the petition. McReynolds complained that they have not been given enough information and doesn't like that there's no representation from the hospital or helicopter crews to

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voice their concerns. McReynolds is also concerned for the wildlife that she sees from her property. McReynolds said that Ameren should also be at the meeting.

- Grilo stated that he agrees with the wildlife concerns which is why they have partnered with Pheasants Forever.
- Donato stated that he is a long-term real estate investor and has no intention of doing anything with the land beyond what has been presented. Donato stated he is willing to sign anything that the City Attorney would draft that would protect the interests and concerns of the neighboring residents.
- Morrison asked if Donato would be willing to go down to a B3 designation.
- Donato stated concern about the solar array being allowed to power the storage units in a B3.
- Hodge stated he agrees with Donato's concerns for the solar array in a B3 district.
- Sellers made a motion to table the petition and direct Edwards to seek legal advise from the City Attorney on the Zoning request and if there can be a sunset clause to protect the residents should the property become abandoned or sold. Sellers stated she does not feel comfortable voting on something until she has more information.
- Costenson stated he also wanted to know more about if the zoning can be changed back to R1 if the property is abandoned or sold 30 years down the road.
- Milroy agreed and asked if it could be done without going to M2.
- Hodge asked since Sellers made a motion to table the petition does this same petition come back to the Plan Commission? Edwards advised yes it does.
- Hodge second Sellers motion.

Motion to table the petition and directing Edwards to seek the opinion of the City Attorney on the zoning request and the special use permit for the solar array. Motion to table passed seven in favor, none opposed and two absent.

Additional Analysis:

On the following day, I researched the city Solar ordinance and Zoning codes in more detail. I discovered a definition that was overlooked when Donato first submitted the petition.

SOLAR ENERGY SYSTEM, LARGE. A solar energy system that contains multiple solar collectors and is primarily used to produce energy to be sold commercially.

With this in consideration, assuming the intent of the proposed array is to solely power the storage units lighting, heating and cooling, the special use permit applied for previously is not required and should be omitted from the petition.

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On Tuesday, February 28th 2023 at 3:00pm, I had conversation with City Attorney Justin Raver. I presented the definition noted above to Raver and he agreed that the requested special use permit is not required so long as the intent of the array is to power the storage units lighting, heating and cooling and not intended to sell the power commercially.

We discussed the zoning request. Because the proposed solar array does not meet the definition noted above, the minimum zoning required for Donato's proposed storage unit is B-3 Business Service & Wholesale District. Raver agreed with this interpretation of the zoning code.

CHAPTER 155: ZONING CODE**§ 155.068 B-3 BUSINESS AND WHOLESALE DISTRICT.**

(A) Permitted uses.

(27) Storage warehouse. However, the following items are excluded from being stored in this permitted use: flammable, explosive, noxious, toxic or ecologically harmful materials, which include, but are not limited to naphtha, benzene, benzole, gasoline, varnish or any product in whole or in part either gunpowder, ammunition, ordnance, fireworks, nitro-glycerin, phosphorus, saltpeter, nitrate of soda, camphene, kerosene, or other petroleum based materials. This permitted use does not allow any type of maintenance or repairs to be conduct within the storage warehouse.

The International Zoning Code states the following concerning the interpretation of uses:

Interpretations. *The interpretation and application of the provisions of this code shall be by the code official.*

It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. Mixed uses/sites or any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in the zones described in this code. If the proposed use resembles identified uses in terms of intensity and character, and is consistent with the purpose of this code and the individual zone's classification, it shall be considered as a permitted/nonpermitted use within a general zone classification, subject to the regulations for the use it most nearly resembles.

With the above in consideration, it is my interpretation of our Zoning Code that the use of "Storage warehouse" established under B-3 zoning is the closest in character to that of the proposed "Storage Units".

All of the above was discussed with the City Manager who agreed with the required zoning and the special use permit not being required.

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With concern to this petition, the City recommends that the Plan Commission discuss the request for rezoning from R-1 One-Family Dwelling District to B-3 Business Service & Wholesale District and to make their recommendation to the City Council.

The Public Hearing:

At 5:15 p.m. on March 23, 2023, the hearing to rezone the subject parcel from R-1 One-Family Dwelling District to B-3 Business Service & Wholesale District, was held. Tony Grilo was present to represent the petition.

- Morrison read the updated information from the previous meeting.
- Morrison verified that the Special Use Permit for a large solar array is not needed because the primary use for the array is only to power the heating and cooling for the storage units and not to resale the power back to the grid.
- Grilo stated that he agreed with the information provided and requested to change the petition for a rezoning to B-3.
- Grilo handed the commission a conceptual site plan showing approximate location of the storage building and array. Grilo stated that the array will be 100 feet from the side property line and that area will be landscaped with vegetation to support pollinator habitat.
- Grilo stated that he wanted to make sure the array would be far enough away from the property line to help keep the neighbors view of the sunsets from being obstructed.
- Grilo also stated that the peak height of the solar panels will only be 7' 11".
- Brooke Kruger, of 1106 N. Main St., came forward with questions about what kind of storage is this. Edwards advised the proposed storage is a climate controlled unit so that if someone has a large RV or a boat, for example, they could store the vehicle in this facility without the need for winterization. This is just one example. Kruger stated that he is concerned about the saturation of storage facilities in Kewanee. Kruger stated that he is in the storage business and stated that this would not be the same type of storage as he operates.
- Thomas Goodwin, of 555 Midland Dr, came forward in opposition to the petition. Goodwin gave the commission a petition with 105 signatures opposing the rezoning from R-1 to M-2 and a Special Use Permit for the Solar Array. Goodwin stated that the proposed project seems to be a temporary project and fears that the owners will do something else the property in the future. Goodwin did say that he was happy that the request has been changed from M-2 to B-3. Goodwin would rather the zoning stays the same and give the owners a permit to allow the storage units and solar panels without a zoning change. Goodwin said you shouldn't buy property that

is "zoned wrong". Goodwin said they should have tried to change the zoning before they bought the property.

- Nicholas Humphrey, of 920 W. South St., came forward in opposition to the petition. Humphrey said he is all for progress and moving forward and is all for what they are doing, but he does not want to see the property rezoned. He would rather see a special permit to allow them to do what they want without a change in zoning.
- There was general discussion concerning the entryway to the property and drainage. Edwards advised that the entryway and any work done at the city right of way will have to be in compliance with public works specifications. Grilo stated he would do whatever is required of the City.
- Humphrey express concerns about the traffic which is already moving along the roadway very fast.
- Edleman stated that he doesn't feel that there will be a noticeable increase in traffic for the storage units.
- Anthony Finn, of 613 Midland Dr., came forward in opposition to the petition. Finn asked if anyone has considered property values. Finn feels that his property value will go down if they build a storage building and solar array. Finn asked if anyone has contacted Ameren about the solar array. Finn stated he heard the Ameren substation can not handle the extra electricity from the solar array. Finn stated his concern over the extra traffic of trucks on the roadway are going to damage the road that is already in poor condition.
- Edleman stated that he lives a half a block from Walmart. When Walmart came to town, Edleman was not in favor of it. Now everyone loves Walmart. Edleman stated his point is everyone wants progress but they don't want it in their own backyard.
- Grilo said that he plans on using W.A.S.P. Power Control Systems, which is a new business in the old door factory building, for their electrical supply manufacturing needs. Grilo added that this is a \$25 million project and about \$8 million of that is material that will be purchased directly from W.A.S.P. and another \$8 million of that will be labor. Grilo said he tries to hire as much as possible from the community he is building within. Concerning Ameren, Grilo stated that he has already received the required interconnection agreement with them as is required for any solar project. Grilo said that he is willing to sign any agreement needed to require that he repairs any damage done to the road during construction, if any.
- Grilo said that leaving the zoning as R-1 and to have just a special use permit would be fine with him but said that would be a question for Edwards and Raver.
- Edwards responded to the zoning question. Edwards said that in order for a Special Use Permit to be allowed within a particular Zoning District, the requested special use would need to be listed as an "allowed special use" in the code under that particular district classification. So in order to allow a Special Use Permit in an R-1 District, "Storage warehouse" as is listed in B-3 zoning would need to be listed as a

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"Permitted Special Use" under R-1, which it is not. Therefore, in order to do that, a Text Amendment would first need to be passed by the City Council to amend the existing code. Raver agreed with Edwards interpretation of the code.

- Hodge stated that if the zoning was to be left at R-1, Grilo could turn around and put a subdivision full of houses on the property which would in turn create much more traffic than the proposed storage units.
- Grilo stated that Hodge is correct. Grilo does not want to do that, but stated the concept is correct. Grilo stated he could indeed, with no change of zoning develop the property with single family dwellings that would be considerably closer to the neighboring property lines and would be a lot more obtrusive. Grilo said he feels the storage unit would be a lot less obtrusive and would have less traffic.
- Joan Kruger, of 1106 N Main St., asked if the storage unit would be gated.
- Grilo said that he has considered gating the storage units so that it would require a code for entry.

Recommendation:

After discussing the facts and testimony presented, the Plan Commission, by a vote of six in favor, none opposed, three absent, to grant request to rezone the property from R-1 to B-3.

Case Number 3:

Parcel 25-04-226-039 & 25-04-226-038 located in the 100 block of Tenney St. on the West side of the street., Requesting a Special Use Permit to allow a Multiple-family dwelling unit with four units.

Property Owner: Anne Murchison, 710 W. Prospect St., Kewanee, IL. 61443

Applicant: John Murray, 28032 N 700 Ave., Kewanee, IL. 61443 AND Rich Murray, 1405 W. Prospect St., Kewanee, IL. 61443

Address: 135-139 Tenney St.

Legal Description: LOT 3 GLEASONS SUB OF LOT 20 ORIG TOWN OF WETHERSFIELD CITY OF KEWANEE and LOT 1, EX N70X110 & EX W55, DEUTSCHLANDS SUB OF LT 4 OF GLEANSONS EST SUB LT 20 ORIG TOWN OF WETHERSFIELD CITY OF KEWANEE, Henry County, Illinois.

Location: 100 block of Tenney St. on the West side of the street.

Dimensions: Approximately 220 feet East to West, 110 feet North to South.

Area: 24,200 Square feet 0.56 acres.

Existing buildings or uses: Two story dwelling. Most recently used as a book store.

Current Zoning District: B-3 Business Service & Wholesale District.

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Surrounding Zoning: B-3 Business Service & Wholesale District in all directions with the exception of R-2 One-Family Dwelling District to the West.

Existing Land Use: Low Density Residential.

Proposed Land Use Map: Commercial.

Background Information:

John Murray contacted me and wanting to know if he could put a multiple family dwelling in the subject property. Murray stated he is considering purchasing the property. I advised Murray that the property is zoned B-3 Business Service & Wholesale District and because the last known use of the property was a book store, he would need to get a Special Use Permit for a multiple family dwelling. Murray filed the appropriate paperwork and had the current land owner sign the application which serves as affidavit giving Murray permission to seek the Special Use Permit.

The City has no argument against the request.

Directly below is a set of stipulations that might be placed on a Special Use Permit for a Multiple-Family dwelling:

1. The Special Use Permit to allow a multiple family dwelling is granted to John and Rich Murray and their assigns.
2. Off street parking shall be maintained as an improved parking surface with sufficient parking spaces for all tenants.
3. All building, electrical and plumbing permits and inspections must be acquired and performed to the satisfaction of the City of Kewanee's building department.
4. All electrical work must be performed by a licensed electrician registered with the City of Kewanee.
5. All plumbing work must be performed by a state licensed plumber.
6. 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.
7. All activities associated with this Special Use Permit for a multiple family dwelling shall be conducted in full compliance with the Kewanee City Code and the laws and regulations of the State of Illinois.

The Public Hearing:

At 5:55 p.m. on March 23, 2023, the hearing for a Special Use Permit for a Multiple-Family Dwelling, was held. John Murray was present to represent the petition.

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- Murray said his plan is to remodel the existing house to have 4 one bedroom apartments and to make all other needed repairs on the interior and exterior of the building. Murray said it will look a lot better than it does now.
- Morrison asked about the parking situation for four tenants.
- Murray said he plans to make a gravel parking area that will accommodate the tenants as there is plenty of room with the empty lot to the North.
- Edleman stated a concern about additional traffic from the apartments on to Tenney St. and the difficulty backing out on to Tenney St. from a driveway.
- Murray said there will be enough space in the parking area for tenants to turn around so they can enter Tenney St. without backing up. Murray also stated that he's noticed with his current apartment buildings that not all tenants typically have cars.
- Murray said he feels there is a need for more apartments in the city. Murray said he gets calls every day from citizens looking for apartments for rent.
- There was general discussion about the current use of the building as a book store and what was going to happen with the books currently inside the building.
- Morrison asked if Murray read the proposed stipulations. Murray indicated that he did and didn't have a problem with them.
- Bartholomew Frey, of 143 Tenney St., came forward in opposition to the petition. Frey is concerned about how the property has been deteriorating over the years, Frey is concerned about trees that are losing branches that are falling on his property, he is concerned about the proposed gravel parking area that is going to cause gravel on his property when the parking area is plowed. Frey said his dog is afraid to go outside because the back door on the existing house flies open and slams shut in the wind. Frey said he's had to get rid of his in ground pool because of all the branches that keep falling into his yard. Frey said that there is a lot of foot traffic from kids walking to school in that area and fears that with the extra traffic from the apartments that a child will get hit. Frey said he has no problem with it being a single-family dwelling. He does have a problem with four apartments that probably are going to be college students and he doesn't want to see beer cans all over the yard. Frey feels that Murray is going to "band-aid" the structure and it won't be taken care of. Frey is worried about lead paint in the building and asbestos. Frey said he lives in a quiet neighborhood and is concerned about someone blasting loud music at 1a.m. Frey had four letters from residents saying they don't want this in their neighborhood. Frey said, because Murray said he's putting in a gravel lot, that tells Frey that Murray is cutting corners and will be doing the bare minimum. Frey said the city is not ready for all the calls of complaints coming from an apartment building and that he knows this will only create problems. Frey stated he tried to purchase the property himself but they wanted more for the property then he was willing to spend.

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- Edleman said that he can relate to what Frey is saying about the increase in litter. Edleman said that his neighborhood has gone downhill because of Walmart and that he understood what Frey was saying.
- Lawrence Horrie, of 129 Tenney St., came forward in opposition to the petition. Horrie had two letters that he gave to the commission in opposition to the petition. Horrie stated that he has concerns about the apartment building causing injury to the surrounding property values. Horrie stated that he loves the property in it's current state, meaning no body is there and he has no neighbor. Horrie said he likes the quiet of it and that he was planning on making improvement to his house and if this is approved, he probably will not be making those improvements and might sell his house for whatever he can get out of it. Horrie doesn't think we should be making the main street in town into multi-family dwellings. Horrie said he drove by some of the multi-family dwellings earlier in the day and stated he "don't want that living next to me". Horrie said he also tried to purchase the property years ago but the real estate agent "laughed at me" and wouldn't take his offer. Horrie said the property is dilapidated and is going to require significant repairs.
- Edleman asked if Horrie has problems getting in and out of his property. Horrie stated it is difficult.
- There was general discussion concerning the zoning of that block of Tenney St which is all B-3.
- Murray responded to the concerns. Murray stated that he will take care of all the tree concerns, Murray said they mow all their properties and they keep everything picked up. Murray said the gravel parking area will not be anywhere near the neighboring property. Murray plans to spend \$60000 on the property to make repairs and improvements.
- Murray said the entire upstairs will be gutted and most of the downstairs will be gutted to reconfigure it into the apartments.
- Edwards advised that all work will need to be inspected and all electrical and plumbing will need to be performed by a licensed contractor. Edwards said that a person, by code, is only allowed to perform electrical and plumbing work on their own residence which does not include rentals or businesses.
- Murray said he would give his phone number to the neighbors and they are welcome to call if there's ever a problems. Murray said he has evicted an entire building of tenants because he doesn't want to have trash or other property concerns.
- Edwards pointed out that the property is zoned B-3. With that said, a business such as Scooter's could buy that property and operate at that location with no special use permit or change of zoning requested.
- Frey gave Morrison some letters that he has from other residents.

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- Frey stated his concern is the additional traffic from the apartment building and that he feels a child is going to get hit.
- Frey said that the building has a brick foundation and "we know that brick has a lifespan". Frey is concerned that the foundation is going to fail.
- Hodge stated that a fast food business could move in to the subject property because that is allowed in the current zoning.
- Frey replied to Hodge saying that Scooters or no one else would do that because they wouldn't want to put a business somewhere that has a continuous flow of traffic.
- Frey said he is concerned that Kewanee is going to become a big apartment complex.
- There was discussion concerning making a motion to deny the request. Edwards explained that a motion to grant the petition should be made and if a commission member wants to deny the request, they should vote no. Commission members Edleman and Morrison disagreed with Edwards. Edleman insisted on making a motion to deny the request. Morrison accepted the motion and Hodge 2nd the motion.

Recommendation:

After discussing the facts and testimony presented, the Plan Commission, by a vote of six to zero, three absent, to deny the request to grant the Special Use Permit for a Multiple-Family dwelling.

There being no further business, the meeting adjourned at 6:32 p.m.

Respectfully yours,

 
Steve Morrison, Chairman

PLAN COMMISSION

Date 3/23/23

Attendance Case 1 Case 2 Case 3 Case 3 steps meetings final

	yes	no	yes	no	yes	no	yes	no	yes	no
COSTENSON 3/23 Y	✓	absent	yes	absent	yes	absent	yes	absent	yes	absent
EDLEMAN 3/23 Y	✓	absent	yes	absent	yes	absent	yes	absent	yes	absent
HEMPHILL 3/23 Y	✓	absent	yes	absent	yes	absent	yes	absent	yes	absent
SELLERS 3/23 M 29 N	X	absent	yes	absent	yes	absent	yes	absent	yes	absent
MIROCHA	X	absent	yes	absent	yes	absent	yes	absent	yes	absent
MORRISON 3/23 Y	✓	absent	yes	absent	yes	absent	yes	absent	yes	absent
HODGE 3/23 Y	✓	absent	yes	absent	yes	absent	yes	absent	yes	absent
SAYERS 3/22 N	X	absent	yes	absent	yes	absent	yes	absent	yes	absent
MILROY 3/23 Y	✓	absent	yes	absent	yes	absent	yes	absent	yes	absent
	61	27	42	by On.	by On.	to deny	by On.	by On.	by On.	by On.