

Everything You Need!

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

September 24, 2021

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

RE: Report from Plan Commission for September 23, 2021, Meeting.

The Plan Commission convened on September 23, 2021, in the Council Chambers at Kewanee City Hall, commission members Costenson and Mirocha were absent. For business, there were two cases to be heard.

Case Number 1:

Parcel 25-03-352-025 Located at 215 E. Garfield St., Special Use Permit to allow for an in-home spa/salon.

Property Owner: Dalton & Chandra Kuffel, 215 E. Garfield St., Kewanee, IL. 61443.

Address: 215 E. Garfield St.

Legal Description: LT 6 J M EVANS SUB OF LT 114 & W75 OF N165 LT 113 ORIG TOWN OF WETHERSFIELD CITY OF KEWANEE, Henry County, Illinois.

Location: On the South side of the 200 block of E. Garfield St.

Dimensions: 141 feet East to West, 165 feet North to South

Area: 23265 Square feet, approximately.

Existing buildings or uses: Single family dwelling, detached garage & two other accessory structures.

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

Surrounding Zoning: Land on all sides is zoned R-2.

Existing Land Use: Low Density Residential.

Proposed Land Use Map: Low Density Residential.

Background Information:

Dalton & Chandra Kuffel contacted me about what the process is to have an in-home spa/salon. They were advised and followed the appropriate application process for a Special Use Permit and paid the fee for the petition. Please see the attached documents which includes a narrative from the Kuffels describing their proposed use.

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 typical stipulations that might be placed on a Special Use Permit for a Salon:

1. The Special Use Permit to allow a spa/salon is granted to Chandra Kuffel only and is not transferable to any future owners or operators on the site.

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2. Chandra Kuffel shall maintain primary residency in the house at 215 E. Garfield St. throughout the life of the Special Use Permit.
3. No persons other than Chandra Kuffel shall be employed in the spa/salon at 215 E. Garfield St.
4. Hours of operation shall not extend beyond 7:30 a.m. to 7:00 p.m. daily.
5. One parking space shall be provided and maintained while said spa/salon is in operation.
6. A sign advertising the spa/salon, maximum size of one square foot in area, may be posted on the premises.
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.
8. All activities associated with this Special Use Permit for a spa/salon 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 Public Hearing:

At 7:00 p.m. on September 23, 2021, the hearing for a Special Use Permit to allow for an in-home spa/salon was held. Dalton Kuffel was present to represent the petition.

- Kuffel started off by saying his wife Chandra was not able to be present because of a health issue.
- Kuffel said his wife does skin care and would like to operate out of the home. She wishes to work four days a week out of the home and plans on having only one customer at a time. She plans to have, at most, 5 customers per day with a time break in between customers. There will only be one customer vehicle present at a time and they plan to put in an extra drive/parking place for the customers to use.

There were no others present in support of the petition.

There were no objectors.

Recommendation:

After discussing the facts and testimony presented, the Plan Commission, by a vote of seven in favor, none opposed, two absent, that the request for a Special Use Permit to allow an in-home

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spa/salon be granted to Dalton and Chandra Kuffel for the property at 215 E. Garfield St. District.

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

1. The Special Use Permit to allow a spa/salon is granted to Chandra Kuffel only and is not transferable to any future owners or operators on the site.
2. Chandra Kuffel shall maintain primary residency in the house at 215 E. Garfield St. throughout the life of the Special Use Permit.
3. No persons other than Chandra Kuffel shall be employed in the spa/salon at 215 E. Garfield St.
4. Hours of operation shall not extend beyond 7:30 a.m. to 7:00 p.m. daily.
5. One parking space shall be provided and maintained while said spa/salon is in operation.
6. A sign advertising the spa/salon, maximum size of one square foot in area, may be posted on the premises.
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.
8. All activities associated with this Special Use Permit for a spa/salon shall be conducted in full compliance with the Kewanee City Code and the laws and regulations of the State of Illinois.

Case Number 2:

Parcel 25-04-428-026 Located at 414 Hollis St., Rezoning request from B-2 Business District - General Retail to B-3 Business Service & Wholesale District AND Special Use Permit to allow for an Automobile, truck, utility trailer, tractor, or bus storage yard, operable vehicles only.

Property Owner: Joe Chamberlain, 24805 Co. Hwy. 28, Kewanee, IL. 61443.

Address: 414 Hollis St.

Legal Description: W 275 LTS 9 & 10 PALMERS SUB OF LTS 92,100,101 ORIG TOWN OF WETHERSFIELD CITY OF KEWANEE [EZ], Henry County, Illinois.

Location: On the East side of the 400 block of Hollis St.

Dimensions: 275 feet East to West, 190.6 feet North to South

Area: 52415 Square feet, approximately. 1.21 Acres.

Existing buildings or uses: Single family dwelling, large garage/warehouse structure.

Current Zoning District: The lot is split zoned. The West half of the parcel is zoned R-2 One-Family Dwelling District. The East half of the parcel is zoned B-2 Business District.

Surrounding Zoning: Land to the North and South is zoned R-2 One-Family Dwelling District. Land to the West is zoned R-1 One-Family Dwelling District. Land to the East is zoned B-2 Business District – General Retail and B-3 Business Service & Wholesale District.

Existing Land Use: Low Density Residential/Commercial.

Proposed Land Use Map: Low Density Residential/Commercial.

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The subject property appears to be split zoned. The West half of the parcel is zoned R-2 One-Family Dwelling District. The East half of the parcel is zoned B-2 Business District. Research of the street files at City Hall resulted in no findings for information regarding why this parcel is split zoned. Word of mouth seems to be that the large garage/warehouse building was a beverage distributor and/or bottling company of some sort. I can find no information to confirm this. There is no evidence of the time frame of when the building was in use and when did it cease to be used in a commercial capacity of any type.

In April of this year, a neighboring property owner contacted me with concerns of activity taking place at the subject property. I took photos of the property and sent a notice of violation to JTCS Towing (Joe Chamberlain). This notice requested the property owner to contact me reference to a potential zoning violation and littering violation. Please see the attached copy and photos of this notice. Chamberlain did contact me at City Hall and explained what his intentions were. He wants to operate his tree service out of the property. I told him I would research the zoning codes and get back to him.

On May 4, 2021, I sent Chamberlain a Notice of Requested Response stating that he could operate his tree service at the property; however, all activities must be conducted wholly within an enclosed building. There was still vehicles and miscellaneous items stored openly. Please see the attached copy of this document.

On July 30, 2021, I was contacted by Mayor Moore who requested that I meet with him and Chamberlain at the subject property. I gave Moore and Chamberlain copies of the applicable zoning codes. I advised the only way that Chamberlain can operate the way he wishes too, by storing vehicles openly, is to apply for a re-zoning of the property to B-3 and a Special Use Permit to operate an Automobile, truck, utility trailer, tractor, or bus storage yard, operable vehicles only. This would also require that the area is fenced in accordance with the City of Kewanee Fence Ordinance and would not allow for the storage of junk or unlicensed/inoperable vehicles.

On August 5, 2021, I had received no communications from Chamberlain. I sent another notice to Chamberlain advising if the application to re-zone the property and for the applicable Special Use Permit is not received by August 19th, the City would begin legal action. Copy of this notice is also attached.

Chamberlain brought the application for Plan Commission action to City Hall on August 19th.

During this timeframe of activity, I have received numerous calls from the surrounding neighbors complaining of the condition of the property as well as noise coming from the property. The individuals I spoke with chose to stay anonymous at the time. I told them that if they wish to oppose the petition, they will need to appear in front of the Plan Commission at the meeting.

If this petition were to be recommended to the City Council for passage, I would recommend that the following stipulations be placed and be held in strict compliance with the understanding that the Special Use Permit shall be brought back to the Plan Commission for a hearing to revoke should the stipulations not be kept in compliance.

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1. The Special Use Permit is granted to Joe Chamberlain only and is not transferable to any successor property owners.
2. 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.
3. All structures and fences on the property shall be kept in good repair, appearance maintained and in compliance with all applicable Codes.
4. Six (6) or eight (8) foot privacy fence shall be installed after receiving an approved fence permit and in full compliance with Chapter 158 of the Kewanee City Code.
5. 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.
6. Since the operation/use is in such close proximity to residential property/uses, performance standards shall be high, and all activities must be carried on in a manner not injurious or offensive to the occupants of adjacent properties by reason of the emission of odors, fumes, of gases, dust, smoke, noise, vibrations, or fire hazards. The property must be kept in compliance with the City of Kewanee Property Maintenance/Nuisance Codes and Noise Ordinances.

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.

It is recommended that the Plan Commission place an additional stipulation concerning allowable hours of operation to reduce noise during the night and morning hours.

The City would like to make the Plan Commission aware of past ordinance violation concerns with Chamberlain. The City has issued numerous notices of violation at properties in which Chamberlain has resided. Two of which were 315 Rice St. and 310 E 8th St. The ordinances that were typically cited were for unlicensed/inoperable vehicles, miscellaneous automotive parts, litter, etc.

The City encourages all Plan Commission members to do their own onsite survey of the property at 414 Hollis St. prior to the meeting.

The Public Hearing:

At 7:09 p.m. on September 23, 2021, the hearing for a Rezoning request from B-2 Business District - General Retail to B-3 Business Service & Wholesale District AND Special Use Permit to

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allow for an Automobile, truck, utility trailer, tractor, or bus storage yard, operable vehicles only, was held. Joe Chamberlain was present to represent the petition.

- Chamberlain stated that he bought the property in February, and he has a snow removal and tree business that he wanted to operate the business from this property. Chamberlain said he was told in order to have vehicles stored outside on the property, he needed to apply for rezoning and a special use permit.
- Morrison advised the commission the parcel is one property with one half being zoned R2 while the other half is zoned B2.
- Edleman asked if anyone lives in the house. Chamberlain said his daughter will live there eventually.
- Morrison verified that Chamberlain's only access to the property is off Hollis St. Chamberlain confirmed that is correct.
- Morrison verified the front of the property is zoned R2 residential. Chamberlain confirmed that is correct.
- There was brief discussion about the bottling plant that occupied the back half of the property in the late 50's and early 60's.
- Morrison spoke about the Bowling alley and the frontage along Tenney St. being zoned for business and the frontage along Hollis St. being zoned for residential. It is not clear why or how part of the residential property at 414 Hollis St. got zoned for business.

There were no others present in support of the petition.

There were seven objectors.

- The first objector came via a notarized letter from Bob and Linda Jacobs of 429 Hollis St. Their letter stated they object to the proposed rezoning and special use permit. They stated complaint of noise, odors of diesel exhaust, heavy equipment in and out of the residential side of the property tracking mud and dirt onto the street. Jacobs has concerns over the street not being constructed for heavy equipment use. Jacobs said the property already looks like a junkyard and is concerned for the surrounding property values.
- Lyle Ince, on behalf of Community State Bank, came forward to object to the petition. Ince stated that CSB purchased the Tenney Bowl property on June 30, 2021, and plan to demolish it shortly after the first of the year. Prior to CSB's purchase of the Tenney Bowl, the previous owner gave Chamberlain permission to enter the Rear (East) side of 414 Hollis St through the Tenney Bowl parking lot until the property was sold. Ince stated that Chamberlain has been tearing up the property that the bank purchased which prompted Ince to block off access to Chamberlain's property from CSB's property. Ince stated that the bank has no plans

to grant an easement to Chamberlain to use CSB's property to access the back half of 414 Hollis St. Ince said that he feels that 414 Hollis St. will be a big eyesore for the community especially after the Tenney Bowl building is gone.

- Morrison stated that the B2 portion of Chamberlain's property is "landlocked" and has no access to it except through the Hollis St. side which is zoned Residential.
- Edleman asked if the Chamberlain was aware there was no access to the B2 property from the East (Tenney Bowl) side.
- Morrison read from the Warranty Deed for the purchase of 414 Hollis St. that the Grantor does not convey any easement across any adjacent real estate for access to the real estate in the deed. Morrison stated that was possibly a warning that maybe Chamberlain missed.
- Susan Carlson of 403 Hollis St came forward to object to the petition. Carlson stated that she has lived at 403 Hollis St with her mother since the spring of 2006. She said the neighborhood has always been a quiet neighborhood where most everyone took good care of their property with exception to 414 Hollis which was vacant. Carlson complained that beginning early spring of this year there has been constant noise into the evening hours, odor of diesel fuel, mud, and large clods of dirt on the street. Carlson said the property looks like a junk yard and there is constant traffic of heavy trucks throughout the day. Carlson has safety concerns for children in the area and also concerned that the Hollis St road is not made for heavy truck traffic. Carlson said these conditions are impacting the quality of life for the residents in this neighborhood. Carlson said she is not able to have her windows open when the weather permits but she is not able to do this now because the noise being generated from 414 Hollis St. disturbs the peace they used to have in the neighborhood.
- Ron Hamilton of 419 Hollis St. came forward to object to the petition. Hamilton stated the area of the 400 block of Hollis St. is a quiet residential neighborhood where everyone tries to maintain their own home, but since Chamberlain has purchased 414 Hollis St., that has gone by the wayside. Hamilton stated the same complaints of noise, odor and the property looking like a junkyard and numerous types of vehicles parked on the property at all times.
- Jeanette Price of 423 Hollis St. came forward to object to the petition. Price said there's trucks coming and going from dawn until well after dark. Price stated the same complaints of noise, odor and the property looking like a junkyard. Price said that someone from Chamberlain's property races up and down the street squealing their tires. Price stated that she moved there to come back to Kewanee to be closer to her children and at that time it was a nice quiet neighborhood. Price said she works second shift and that it's been difficult to sleep because of all the noise over the past several months.
- Gary Boswell of 425 Hollis St. came forward to object to the petition. Boswell stated it used to be a nice quiet neighborhood but now there's constant noise and there's

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someone tearing in and out of 414 Hollis St. at all hours of the night. Boswell stated he is objecting to everything at 414 Hollis St.

- William Scott of 136 W. Garfield St. came forward to object the petition. Scott said that his backyard goes up to the subject property. Scott said, at first, he was very happy to see somebody go in and start clearing the overgrowth and brush. Scott said but now it has turned from one disaster to a different disaster. Scott complained of the trucks coming and going and expressed concerns for the children walking to and from Wethersfield School. Scott said there is constant noise, and they are not good neighbors at all. Scott described one car that has a Rooster on the hood and has the music loud enough that it rattles Scott's windows. Morrison asked where the car ends up after it drives by. Scott said it parks at 414 Hollis St. Scott stated he is irritated that Chamberlain has no regard for the neighborhood.
- Milroy asked if the zoning Chamberlain has now would permit him to do what he is doing now. Edwards replied that for Chamberlain to operate, how he is currently, he must have B3 zoning with the requested Special Use Permit.
- Morrison expressed concern that the B2 portion of Chamberlain's property is land locked and has no access to it from a permitted truck route. Chamberlain also must pass through residential property for access.
- Morrison asked Chamberlain if he was aware there's no access to the property as noted on the warranty deed earlier discussed. Chamberlain stated that he was aware there was no easement and was trying to purchase the property to the East, but said when CSB found out what was going on, that CSB came in and purchased everything else and cut Chamberlain off from his property.
- Hodge inquired if Hollis St. is rated for use as a truck route. Edwards stated it is not.

Recommendation:

After discussing the facts and testimony presented, the Plan Commission, by a vote of none in favor, seven opposed, two absent, that the request for Rezoning from B-2 Business District – General Retail to B-3 Business Service & Wholesale District not be granted to Joe Chamberlain for the property at 414 Hollis St.

Additionally, the Plan Commission failed to make a motion to vote for the following six stipulations to be placed on the Special Use Permit.

1. The Special Use Permit is granted to Joe Chamberlain only and is not transferable to any successor property owners.
2. 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.
3. All structures and fences on the property shall be kept in good repair, appearance maintained and in compliance with all applicable Codes.
4. Six (6) or eight (8) foot privacy fence shall be installed after receiving an approved fence permit and in full compliance with Chapter 158 of the Kewanee City Code.

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5. 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.
6. Since the operation/use is in such close proximity to residential property/uses, performance standards shall be high, and all activities must be carried on in a manner not injurious or offensive to the occupants of adjacent properties by reason of the emission of odors, fumes, of gases, dust, smoke, noise, vibrations, or fire hazards. The property must be kept in compliance with the City of Kewanee Property Maintenance/Nuisance Codes and Noise Ordinances.

There being no further business, the meeting adjourned at 7:44 p.m.

Respectfully yours,

Steve Morrison

Steve Morrison, Chairman

By:
[Signature]

Date 9/23/21

PLAN COMMISSION

Attendance Case I S.T.P.S Zoning Case 2

		yes	no	yes	no	yes	no	yes	no	yes	no
COSTENSON	X	yes	no	yes	no	yes	no	yes	no	yes	no
9/23 M		abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent
EDLEMAN	✓	yes	no	yes	no	yes	no	yes	no	yes	no
9/23 Y		abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent
HEMPHILL	✓	yes	no	yes	no	yes	no	yes	no	yes	no
9/15 Y		abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent
SELLERS	✓	yes	no	yes	no	yes	no	yes	no	yes	no
9/23 Y		abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent
MIROCHA	X	yes	no	yes	no	yes	no	yes	no	yes	no
9/21 N		abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent
MORRISON	✓	yes	no	yes	no	yes	no	yes	no	yes	no
9/9 Y		abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent
HODGE	✓	yes	no	yes	no	yes	no	yes	no	yes	no
9/23 Y		abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent
SAYERS	✓	yes	no	yes	no	yes	no	yes	no	yes	no
9/23 Y		abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent
MILROY	✓	yes	no	yes	no	yes	no	yes	no	yes	no
9/21 Y		abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent
	79	74	ON	74	ON	74	ON	74	ON	74	ON