

Everything You Need!

Phone 309-852-2611
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February 24, 2017

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

RE: Report from Plan Commission for February 23, 2017 Meeting.

The Plan Commission convened at 7:00 p.m. on February 23, 2017 Kewanee City Hall, Council Chambers. Commission members Minella, Mirocha, Reynolds and Sayer were absent. For business there were two petitions upon which to conduct a public hearing.

Case Number 1:

Part of 144 Junior Ave. which is located at the Southern most end of Junior Ave South of Dewey Ave and abuts to 141 Acorn St. Rezoning Petition for a 25 foot wide strip along and parallel to the East edge of the property that abuts 141 Acorn St.

Kevan Cooper of Bruner, Cooper & Zuck on behalf of Petersen Health Systems, Inc. is petitioning for the Rezoning request.

Address (es): Part of 141 Junior Ave.

Legal Description: Tract 1-A, The East 25 foot of even width off the entire East line of Lot 1 of Country Club Estates, Inc., Second Addition, City of Kewanee, Henry County Illinois, A Subdivision as found recorded in the Henry County Recorder's Office as document number 70R2346.

Location: On the Southern most end of Junior Ave, South of Dewey Ave and abutting the West side of 141 Acorn St.

Dimensions: 25 feet East to West and 302 feet North to South.

Area: 7550 Sq Ft. (0.1733 Acres)

Existing buildings or uses: None on this strip of land. Currently part of the parcel where Kewanee Care Nursing Home is located.

Current Zoning District: R-2 One-Family Dwelling District with a Special Use Permit for Nursing Home Use.

Existing (Surrounding Zoning) Zoning: R-5 Multiple Family Dwelling District to the East and South, R-3 One-Family Dwelling District to the West and North, R-2 One-Family Dwelling District to the Northeast.

Existing Land Use: Institutional.

Proposed Land Use Map: High Density Residential.

Background Information:

Petersen Health Care Systems, Inc. is currently constructing a new Memory Care Assisted Living facility located on lots 20A, 20B, 21A & 21B for which this is a permitted use. They also own the property abutting these lots to the West at 144 Junior Ave. commonly known as Kewanee Care Nursing Home. Petersen Health Care has taken steps to combine lots 20A, 20B, 21A & 21B as one parcel. They have also subdivided the East 25 foot of even width off the entire East line of 144 Junior Ave. Petersen is requesting to rezone this 25 foot strip of land to match the existing R-5 Zoning of lots 20A, 20B, 21A & 21B and will then combine all of these parcels into one large parcel. Even though Petersen currently owns all of these parcels under the same entity, they want to do this in case in the future they sell either the new or old building off to a different entity.

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The new Memory Care Assisted Living facility will be called Betty's Garden and will create about 20 new jobs. The City has no argument against combining the lots, the rezoning or against the use that Petersen Health Care Systems, Inc. has proposed.

The Public Hearing:

At 7:00 p.m. on February 23, 2017, the hearing on the proposed Rezoning Petition 144 Junior Ave. was held. **Doug Currier** of Petersen Health Systems, Inc., Peoria, Illinois, was present to represent the petition.

- Currier clarified that the rezoning request was for the 25 foot strip of land subdivided off of the parcel to the West which is also owned by Petersen Health Systems.
- Currier stated that they (Petersen Health Systems) wanted to add the 25 foot strip of land to the land where the memory care facility is located to add extra room to the memory care parcel.
- Currier stated that because the 25 foot strip is zoned R-2 they would like to have it rezoned to R-5 so they can combine all involved parcels into one.
- Director of Community Development Keith Edwards added the clarification that Kevan Cooper stated in an email that this rezoning and combining of the parcels was to "clean up" the legal descriptions and to help with anything that might happen in the future such as sale of either of the properties.
- Edwards also stated that Currier had advised in past conversation that the new memory care facility will create approximately 20 new jobs for the City of Kewanee.

No others were present to speak in support of the petition.

Commission Chairman Morrison asked if there were any persons to speak in opposition to the petition.

There were no objectors.

Recommendation:

After discussing the facts and testimony presented, the Plan Commission recommends, by a vote of five in favor of the application, none opposed to the application, four absent, that the application to **Rezone the 25 foot wide strip along and parallel to the East edge of the property that abuts 141 Acorn St.** be approved by the City Council.

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Case Number 2:

303 Tenney St. which is located in the 300 block of Tenney Street on the Southwest corner of Tenney St and West Church St. Rezoning Petition to change from B-3 Business And Wholesale District to B-4 Business District AND Special Use Permit Petition to allow Automobile, Truck, Trailer, Tractor or Bus Storage yard, Operable Vehicles Only.

George Koustas is petitioning for the Rezoning request and the Special Use Permit at the existing Crowe Auto Group location.

Address (es): 303 Tenney St (Two parcels), 109 W Church St, 115 W Church St, 119 W Church St.

Legal Description: Tenney St: S82.5 of N165 of E253 Lot 65 Original town of Wethersfield, Now City of Kewanee, Henry County, Illinois.

Tenney St: N82.5 of E140 Lot 65 Original town of Wethersfield, Now City of Kewanee, Henry County, Illinois.

109 W Church St: W58 of E198 of N82.5 Lot 65 Original town of Wethersfield, Now City of Kewanee, Henry County, Illinois.

115 W Church St: W55 of E253 of N82.5 Lot 65 Original town of Wethersfield, Now City of Kewanee, Henry County, Illinois.

119 W Church St: W132, EX 55x165 NE, Lot 65 & E66 Lot 66, EX Tower Original town of Wethersfield, Now City of Kewanee, Henry County, Illinois.

Location: On the West side of the 300 block of Tenney St. AND the South side of the 100 block of W Church St.

Dimensions: Beginning at the Northeast corner of the property at the intersection of Tenney St & W Church St and going counter clockwise: 396 feet along the North side, 333 feet along the West side, 198 feet from the Southwest corner towards the East, 168 feet from South to North, 198 feet towards the East and concluding with 165 feet from South to North along the East most property line along Tenney St.

Area: 97104 Sq Ft. (2.23 Acres)

Existing buildings or uses: Show Room building (68'x44'), Service Facility (161'x60'), Automotive sales lot.

Current Zoning District: B-3 Business And Wholesale District.

Existing (Surrounding Zoning) Zoning: B-3 Business And Wholesale District to the North, R-2 One Family Dwelling District to the West, B-3 Business and Wholesale District to the South, B-2 Business District General Retail to the Southeast, B-1 Business District Limited Retail to the East, B-3 Business and Wholesale District to the Northeast.

Existing Land Use: Commercial.

Proposed Land Use Map: Commercial.

Background Information:

On November 9, 2016 a letter was sent to George Koustas owner of Crowe Auto Group at 303 Tenney St. This letter was sent based on review of the codes prompted by several complaints received by the City concerning a semi trailer being used as a sign on the property. The semi trailer, as well as other semi trailers, on the property is unlawful as the current B-3 zoning does not permit for the storage or sale of trailers. If the trailer is declared a sign, the sign was placed unlawfully without an approved permit and no communication with the City had taken place prior to having the trailer painted or placed upon the property. This sign would also not be approved as a permanent sign, as it does not meet the requirements for the construction of a sign in the International Building Code. The letter gave Crowe Auto Group 90 days to correct the violation which made the deadline for compliance February 7, 2017.

Shortly after the mailing of the letter, I was contacted by Brandy Funke of Crowe Auto Group. City Manager Gary Bradley and I met with Ms. Funke and Mr. Koustas at City Hall later that day. I explained that the trailer cannot be

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stored on the property because the zoning does not permit for the storage or sale of trailers. I also advised that the trailer does not meet the construction requirements of a sign per the International Building Code and City Code. Mr. Koustas asked about the removal of the axles of the trailer and placing it on the ground, which would also be unlawful as the result would be either an inoperable vehicle by code, meaning that the trailer (being a vehicle by the legal definition) is now inoperable since the wheels and axles were removed, or an unlawful structure, in that the trailer would not meet the requirements of the building code for a structure. It should be noted that there are other such nuisance trailers in less visible locations around town, which will also be addressed by the Community Development Department for removal.

Mr. Koustas inquired about rezoning in an attempt to be able to maintain the trailer on the property. I provided the information on how to petition the Plan Commission to request rezoning from B-3 to B-4 and also on the Special Use Permit that would also be required.

Mr. Koustas defended the trailer/sign, noting that he had seen similar uses often parked in farm fields adjacent to highways. Mr. Koustas advised that one of the Wall Dogs that had painted other murals throughout the City had drawn the outline of the design on the trailer. Mr. Koustas had someone else paint/fill in the lines. It was suggested to Mr. Koustas that if he wanted a mural that it should be painted by an artist on the building and not on a semi trailer. It should be noted that this is not a mural as it is an advertisement for Crowe Auto Group.

In this meeting, I did compliment Mr. Koustas on the appearance of the rest of Crowe's property. The work that has been done to improve the buildings, the placement of a very professional looking sign that is placed near the front of the property by Tenney St., and the demolition of the old Taylor & Sons building have had a dramatic improvement to the look of the property and neighborhood.

Before our meeting adjourned, I urged Mr. Koustas and Ms. Funke to remove the trailer and any other trailers from the property. I have had no other communication with Mr. Koustas or Ms. Funke until mid-January. Ms. Funke called me at City Hall to discuss the options once again. We went over all of the above information that was discussed in November. We did discuss the possibility of at least moving the trailer so it would be less conspicuous until after the official decision on the Plan Commission agenda and City Council vote. At the time of this phone conversation with Ms. Funke, the trailer still had not been removed.

On February 7, 2017 I took follow up photos of the property showing the trailer was still present but had been moved. (Photos of the property and trailer taken on February 7, 2017 included in this packet.)

Here are the three criteria that have to be satisfied prior to recommending a Special Use Permit to be granted.

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.

I have discussed this case with the City Manager and the City Attorney. The City does not agree that this request would meet the above mentioned criteria. The City does not believe that this sign/trailer is a good representation of

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what should be seen along the main corridor leading through the City of Kewanee though we concede that it may be well suited for use in a farm field. The City also does not feel that trailer sales and storage at this location would be complimentary to the surrounding businesses and does not recommend the granting of this rezoning request or the Special Use permit requested on this petition.

The Public Hearing:

At 7:06 p.m. on February 23, 2017, the hearing on the proposed Rezoning Petition & Special Use Permit for Crowe Auto Group, 303 Tenney St. was held. Brandy Funke of Crowe Auto Group, Kewanee, Illinois, was present to represent the petition.

- Funke stated that Crowe Auto Group was looking for a special use permit for storage of all types of operable vehicles which includes trailers.
- Funke stated that Crowe has always sold and stored trailers and has been doing so for four years.
- Funke requested clarification on their (Crowe Auto Group) current zoning which is B-3.
- Furthermore there was debate over definitions of Garages, Auto sales, Trailers and automotive service station.
- Funke requested clarification on whether or not they are zoned correctly for auto sales. Edwards advised they are zone correctly for auto sales.
- Funke asked if they are zoned for small trailer sales such as car dollies, or flat bed style utility trailers. Edwards stated that there seems to be a lack of definition for different types of trailers in the zoning code and that Edwards would contact the City Attorney for his interpretation of the current definitions and that the City may have to put some work into this part of the code. Edwards also stated that some of the definitions may have been placed in the code in the 1960's when the zoning code was adopted and thus may need to be revised.
- Edwards stated that smaller utility trailers are not so much of a concern as the two semi-trailers involved in the case. Edwards did state that he would seek guidance from the City Attorney and City Manager but felt that the smaller utility trailers wouldn't be an issue OR that the City may elect to update the code to specifically define the smaller trailers and in which district they could be sold.
- Funke asked if she can have small flatbed trailers on the property that you would normally pull with a half ton pick-up truck. Edwards stated that he would speak with the City Attorney for his interpretation. But reminded that small utility trailers such as this or like Farm King currently sells would be of less concern to the City and again the semi-trailers are the primary concern.
- Morrison stated that his interpretation of the zoning district would require Crowe to be zoned to M-1 in order to store semi-trailers.
- Funke stated that they requested the rezoning from B-3 to B-4 and the special use permit based off of Edwards' interpretation of the zoning code.

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- Funke stated that their intentions for the rezoning and special use permit is so that Crowe can sell small utility trailers and keep the two semi-trailers on the property.
- Edwards stated that during conversation with Funke in the past that Funke had stated that the two semi-trailers are for sale. However, Funke also stated that the two trailers are also used for storage of tires and other items for the dealership. Funke confirmed this conversation.
- Edwards stated that this whole case stemmed from complaints over the semi-trailer that had the graffiti style sign painted on it. This trailer being used as a sign does not comply with the City's sign ordinance or the currently adopted building code.
- Morrison stated again that his interpretation is that Crowe will need to rezone to M-1 in order to store trailers of the semi-trailer variety.
- Morrison suggested to Funke that she could request that the petition be tabled until Edwards can get more clarification from the City Attorney.
- Funke stated that the semi-trailer in question had been on the property for four years.
- Hughes and Costenson expressed concern over the trailer definitions and getting this area of the code cleaned up.
- Costenson expressed concern over if Crowe was to request an M-1 zoning change that there is then a concern over what else could happen on the property in the future with Crowe or future owners. Costenson stated that he didn't know if that would be good for the neighborhood.
- Hughes expressed concern that if Crowe is allowed to store semi-trailers on the property that the storage of trailers with signs painted on them would be allowed to be stored.
- Morrison again suggested that Funke could request for the decision to be postponed until the meeting to allow clarification on the definitions.
- Funke stated that Crowe's business plan will not change. They wish to continue business as they have and to be able to sell trailers to their customers. Funke admitted that yes Crowe has two trailers on the property and they do indeed use them for storage.
- Funke stated that she spoke to the surrounding business and that she found no objectors. However there were no other persons in attendance to speak in favor of this petition.
- Funke asked about the possibility of removing the axles from the semi-trailers and placing them on the ground. Edwards responded stating that in doing so the trailers, by definition, would then be considered one of two things. The trailers would either be considered an inoperable vehicle since the axles would have been removed and rendering the trailer inoperable OR the trailer would be an unlawful structure in that the construction of the trailer does not meet building code. Edwards went on to say that he is aware of other trailers throughout town that have, under past

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administration, been allowed to have the axles removed and placed on the ground for storage. Edwards stated that these are on his list of items to do in the future and will discuss these with current administration and attorney.

- Morrison reminded the commission members that the commission members can place stipulations on the special use permit to be considered by the council. He gave the example of only trailer under 6 feet in height could be permitted.
- Morrison once again recommended that the petition be tabled but stated that it is up to Funke if she would like to have it tabled.
- Funke asked if the Plan Commission would allow a special use to allow the two semi-trailers to remain on the property. Morrison stated that in his opinion that would not be allowed.
- Funke stated that she is fine with tabling the petition for now.
- Edleman stated that he felt the root of the whole deal is the two semi-trailers.
- Hughes stated that the advertising on the trailer is still a concern.
- Costenson stated that the advertising wasn't as much of an issue as is the concern over what the property should or should not be zoned and what is best for the neighborhood.
- Edwards again stated that he would speak with the City Manager and City Attorney about the definitions. Edwards stated that it may be decided to not define specifically the smaller trailers and leave it as a discretionary decision to be made by staff.
- Costenson asked Edwards what happens if there is no zoning change or special use granted with concern of the two semi-trailers. Edwards advised that the semi-trailers would have to be removed and if they are not removed that the city would be forced to file zoning ordinance violation charges.
- Edleman and Costenson both stated concerns that they do not wish to hurt Crowe's business.
- Edleman also stated that Crowe has done a good job with improving the property over what it was when they first took it over.
- Hughes stated again that her concern was the signage painted on the side of the trailer and the complaints received. Hughes stated that she is aware of other signs in the city that were not in compliance and that the city was attempting to clean up sign issues.
- As the meeting was coming to a close Funke changed her mind and decided to go ahead and ask the Commission to vote for the current request of rezoning to B-4 with a Special Use permit to allow the trailer storage.
- Morrison asked Edwards if the City had anything else to add. Edwards stated that the whole case began with the semi-trailer being used as an unlawful sign and that the City doesn't feel that the storage of semi-trailers is complimentary to the surrounding businesses and neighborhood.

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- Funke asked once again if the two semi-trailer could be added as stipulations to the special use permit. Hughes stated she would not agree to that. Morrison stated earlier in the meeting that in his opinion this would not be permitted.
- Morrison asked for a motion to grant or deny the petition.
- Edleman made a motion to deny the petition. Hughes second the motion.
- Edleman made one last statement to Funke stating the reason for his motion is based completely on the two semi-trailer and that he does not think they should be allowed on the property. Edleman stated he has no issues with smaller utility trailers.

No others were present to speak in support of the petition.

Commission Chairman Morrison asked if there were any persons to speak in opposition to the petition.

There were no objectors.

Recommendation:

After discussing the facts and testimony presented, the Plan Commission recommends, by a vote of five in favor to deny the application, none opposed to deny the application, four absent, that the application for Rezoning to change from B-3 Business And Wholesale District to B-4 Business District AND Special Use Permit Petition to allow Automobile, Truck, Trailer, Tractor or Bus Storage yard, Operable Vehicles Only be denied by the City Council.

There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully yours,

Steve Morrison by Keith Ellis
Steve Morrison, Chairman