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March 24, 2017

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

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

The Plan Commission convened at 7:00 p.m. on March 23, 2017 Kewanee City Hall, Council Chambers. Commission members Minella, Mirocha, Reynolds and Hughes were absent; however, Hughes was present for Case Number 2. For business there were two Special Use Permit applications upon which to conduct a public hearing.

**Case Number 1:**

**150 E. South St., Suite J. which is located in the 100 block of East South Street on the North side of the street. Suite J is the furthest most Suite in the existing strip mall. Special Use Permit Petition to serve alcohol by the drink in the proposed cafe.**

Keith Rentschler is petitioning for a Special Use Permit to serve alcohol by the drink in a proposed new business (Ruby's) at this location.

**Address (es):** 150 E South St.

**Legal Description:** Lot 158, Ex N 145 of E150 Original town of Wethersfield, Now City of Kewanee, Henry County, Illinois.

**Location:** On the North side of the 100 block of E South St. Suite J located in the East most portion of the strip mall.

**Dimensions:** 330 feet West to East along the South, 184.04 South to North along the East, 150 feet East to West along the North East, 145 feet South to North, 180 East to West along the North West, 292.22 North to South along the West..

**Area:** 83862.3 Sq Ft. (1.93 Acres)

**Existing buildings or uses:** Main building consisting of 9 mercantile suites.

**Current Zoning District:** M-1 Manufacturing District - Limited.

**Existing Zoning:** B-2 Business District General Retail & B-3 Business and Wholesale District to the West, M-1 Manufacturing District Limited to the Northwest, B-3 Business and Wholesale District to the North, R-1 One-Family Dwelling District to the Northeast.

**Existing Land Use:** Commercial.

**Proposed Land Use Map:** Commercial.

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**Background Information:**

The proposed location is currently vacant and was previously The Game Stop video game retail store. There is a liquor license for package sale of alcohol at another suite in this same strip mall (Kewanee Liquor and Tobacco).

Keith Rentschler, Fork Restaurant Group DBA Ruby's, has supplied a thorough summary and business plan. According to this plan, included with this packet, Ruby's appears to be a self-serve coffee cafe that will offer a variety of coffee and food items as well as beer and wine. Ruby's will also have gaming terminals for adults.

I don't see any items of concern with this Special Use Permit request. At the end of this section are the three criteria that have to 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 to sell alcohol by the serving.

1. The Special Use Permit is granted to Keith Rentschler, owner, Fork Restaurant Group Inc, only, and is not transferable to any successor property owners and/or operators of a restaurant, bistro or bar serving alcohol on the site.
2. Said Special Use Permit shall not become effective until such time as a liquor license is lawfully obtained from the City of Kewanee and the State of Illinois.
3. The sale of alcoholic beverages shall be permitted only during the hours as allowed by the license classification issued by the liquor commissioner as permitted by Section §111.18 of the City Code of the City of Kewanee.
4. The configuration and uses of various parts of the building shall remain in substantial compliance with the floor plan submitted along with the petition for the special use permit.
5. No package sale of liquor or carryout sale of liquor is allowed.
6. All activities associated with this Special Use Permit to sell alcoholic liquor by the individual serving in the restaurant 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.

**The Public Hearing:**

At 7:00 p.m. on March 23, 2017, the hearing on the proposed Special use Permit to serve alcohol by the drink in a proposed new business (Ruby's) at 150 E. South St., Suite J. was held.

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Majorie Carvalho, who is part of the management team for Ruby's, was present to represent the petition.

- Carvalho described Ruby's as a "Gambling Café" that offers a variety of food, beer and wine while having some video game terminals as an entertainment option.
- She said that they offer a classy and comfortable location for people to come out and enjoy the gaming.
- Ruby's has a three drink maximum because they don't want Ruby's to be a "bar".
- Ruby's also offers a coffee bar with a variety of coffee available.
- Ruby's currently has about a dozen locations in Decatur, Champaign Urbana, and the Metro East down by St. Louis.

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

There was no one present to speak in opposition of the petition.

**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 grant a Special Use Permit to serve alcohol by the drink be approved by the City Council. Specifically, the Plan Commission recommends that a Special Use Permit allowing the serving of alcohol by the drink at 150 E. South St. Suite J. be granted to Keith Rentschler and Ruby's.

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

1. The Special Use Permit is granted to Keith Rentschler, owner, Fork Restaurant Group Inc, only, and is not transferable to any successor property owners and/or operators of a restaurant, bistro or bar serving alcohol on the site.
2. Said Special Use Permit shall not become effective until such time as a liquor license is lawfully obtained from the City of Kewanee and the State of Illinois.
3. The sale of alcoholic beverages shall be permitted only during the hours as allowed by the license classification issued by the liquor commissioner as permitted by Section §111.18 of the City Code of the City of Kewanee.
4. The configuration and uses of various parts of the building shall remain in substantial compliance with the floor plan submitted along with the petition for the special use permit, which would include one additional bathroom.
5. No package sale of liquor or carryout sale of liquor is allowed.
6. All activities associated with this Special Use Permit to sell alcoholic liquor by the individual serving in the restaurant 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.

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**Case Number 2:**

**150 E. South St., Suite D. which is located in the 100 block of East South Street on the North side of the street. Suite D is Centrally located in the existing strip mall. Special Use Permit Petition for retail sale of package liquor.**

Lalit Patel is petitioning for a Special Use Permit to sell packaged liquor at the existing Kewanee Liquor & Tobacco at this location.

**Address (es):** 150 E South St.

**Legal Description:** Lot 158, Ex N 145 of E150 Original town of Wethersfield, Now City of Kewanee, Henry County, Illinois.

**Location:** On the North side of the 100 block of E South St. Suite J located in the East most portion of the strip mall.

**Dimensions:** 330 feet West to East along the South, 184.04 South to North along the East, 150 feet East to West along the North East, 145 feet South to North, 180 East to West along the North West, 292.22 North to South along the West.

**Area:** 83862.3 Sq Ft. (1.93 Acres)

**Existing buildings or uses:** Main building consisting of 9 mercantile suites.

**Current Zoning District:** M-1 Manufacturing District - Limited.

**Existing Zoning:** B-2 Business District General Retail & B-3 Business and Wholesale District to the West, M-1 Manufacturing District Limited to the Northwest, B-3 Business and Wholesale District to the North, R-1 One-Family Dwelling District to the Northeast.

**Existing Land Use:** Commercial.

**Proposed Land Use Map:** Commercial.

**Background Information:**

The proposed location is currently in operation as Kewanee Liquor & Tobacco.

Lalit Patel and his brother/business partner Ajay Patel, of Krishna Kanaiya Inc., have taken steps to purchase the existing Kewanee Liquor & Tobacco.

Patel, has supplied a copy of the Proposal for Lease and will not be making any changes to the existing floor plan.

I don't see any items of concern with this Special Use Permit request. At the end of this section are the three criteria that have to 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 to sell alcohol by the serving.

1. The Special Use Permit is granted to Lalit Patel only and is not transferable to any future owners or operators of a liquor store on the site.

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2. The sale of packaged alcohol shall be permitted only during the hours as allowed by the license classification issued by the liquor commissioner as permitted by Section §111.18 of the City Code of the City of Kewanee.
3. The configuration and uses of various parts of the building shall remain in substantial compliance with the floor plan submitted along with the petition for the special use permit.
4. Only package sale of liquor, for consumption off-premises, shall be permitted.
5. All activities associated with this Special Use Permit to sell packaged alcoholic liquor shall be conducted in full compliance with the Kewanee City Code and the laws and regulations of the State of Illinois.
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.

### 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 7:11 p.m. on March 23, 2017, the hearing on the proposed Special use Permit to sell package liquor in the existing business (Kewanee Liquor & Tobacco) at 150 E. South St., Suite D. was held. Lalit Patel and his Brother & business partner Ajay Patel of Krishna Kanaiya Inc. were both present to support the petition.

- Lalit stated that it will be the same location, name and business currently in operation as Kewanee Liquor & Tobacco just different owners.
- No changes are planned for the floor plan.
- Lalit stated that they already own and operate Jay's Liquor on N East St. in Kewanee.

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

There was no one present to speak in opposition of the petition.

### **Recommendation:**

After discussing the facts and testimony presented, the Plan Commission recommends, by a vote of six in favor of the application, none opposed to the application, three absent, that the application to grant a Special Use Permit to sell packaged liquor be approved by the City Council. Specifically, the Plan Commission recommends that a Special Use Permit allowing the

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sale of packaged liquor at 150 E. South St. Suite D. be granted to Lalit and Kewanee Liquor & Tobacco.

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

1. The Special Use Permit is granted to Lalit Patel only and is not transferable to any future owners or operators of a liquor store on the site.
2. The sale of packaged alcohol shall be permitted only during the hours as allowed by the license classification issued by the liquor commissioner as permitted by Section §111.18 of the City Code of the City of Kewanee.
3. The configuration and uses of various parts of the building shall remain in substantial compliance with the floor plan submitted along with the petition for the special use permit.
4. Only package sale of liquor, for consumption off-premises, shall be permitted.
5. All activities associated with this Special Use Permit to sell packaged alcoholic liquor shall be conducted in full compliance with the Kewanee City Code and the laws and regulations of the State of Illinois.
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.

There being no further business, the meeting adjourned at 7:19 p.m.

Respectfully yours,



Steve Morrison, Chairman