

*Everything You Need!*

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September 29, 2017

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

RE: Report from Plan Commission for September 28, 2017 Meeting.

The Plan Commission convened at 7:00 p.m. on September 28, 2017 Kewanee City Hall, Council Chambers. Commission members Edleman, Mirocha and Reynolds. For business, there was one case to be heard for an expansion of use/change in floor plan to an existing Special Use for a beer garden, upon which to conduct a public hearing.

**Case Number 1:**

**200-202-204-206 N Chestnut Street, request for approval for an expansion of use/change in floor plan to an existing Special Use for a beer garden/outdoor eating area, Anthony Segura, Abigail Segura, Boiler Room.**

Kewanee Ordinance 3836, passed June 23, 2016, approved a Special Use Permit for the three vacant lots on the South side of the Boiler Room to allow them to be used as a beer garden/outdoor café. The Special Use Permit contained a stipulation that the use for a beer garden/outdoor café was not transferrable to any future owner.

**Address (es):** 200-202-204-206 N Chestnut Street.

**Legal Description:** Beer Garden Area: S1/2 lot 14 County Clerks Sub Of Blk 17 Orig Town City Of Kewanee, Henry County, Illinois; N1/2 Lot 14 County Clerks Sub Of Blk 17 Orig Town City Of Kewanee, Henry County, Illinois; Lot 4 Commissioners Sub Of Blk 17 Orig Town City of Kewanee, Henry County, Illinois; Main Building: Lts 2 & 3 Commissioners Sub Of Blk 17 Original Town City Of Kewanee, Henry County, Illinois.

**Location:** On the Northeast corner of the intersection of N Chestnut Street and W Second Street.

**Dimensions:** 77 feet 3 inches East to West, 74 feet 2 inches North to South.

**Area:** 5,850 Sq Ft.

**Existing buildings or uses:** Beer garden/outdoor eating area..

**Current Zoning District:** Part B-1 and part B-2 business zoning district.

**Existing Zoning:** Land on all sides is zoned B-1 or B-2 or B-3.

**Existing Land Use:** This lot is on the West side of the Central Business District.

**Proposed Land Use Map:** Commercial.

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### Background Information:

During the June 23, 2016 Plan Commission meeting, the Commission granted a Special Use Permit to the Boiler Room for a Beer Garden/Outdoor Eating Area. Along with granting the Special Use, the Commission placed the following stipulations on the Special Use as they do for all Beer Gardens:

1. The Special Use Permit is granted to Anthony Segura and Abigail Segura and The Boiler Room, only, and is not transferable to any successor property owners and/or operators of a restaurant serving alcohol on the site.
2. The configuration and uses of various parts of the beer garden/outdoor eating area shall remain in substantial compliance with the floor plan submitted along with the petition for the Special Use Permit.
3. No package sale of liquor or carryout sale of liquor is allowed.
4. The proposed beer garden/outdoor eating area shall comply with Chapter 111 Alcoholic Liquor and section 155.117 Beer Garden/Outdoor Eating Area of the City Code.
5. Any violation of the terms and condition of the Special Use Permit are subject to review and possible revocation by the Plan Commission and City Council.
6. The beer garden/outdoor eating area shall close at shall be closed at 11:00 pm Sunday through Thursday and at midnight Friday and Saturday.

With consideration to stipulation number 2 above, the Boiler Room added a stage in June 2017. The stage was constructed originally without a building permit. It wasn't until advised by the Director of Community Development that a Building and Electrical Permit for the stage was then applied for and granted. Anthony Segura stated that he did not realize that he needed a permit for the stage because he constructed it to be removable and it is not attached to the ground just the same as a floating deck would be. After being advised that a Building Permit should be obtained because people will be on the stage, Segura promptly applied for the permit and complied with required inspections.

After other consideration to the fence around the existing beer garden during the July 20, 2017 Plan Commission meeting, it was brought to the City's attention that the addition of the stage constituted an intensification of the special use originally granted on June 23, 2016. Because of this intensification, Segura should have been made to apply to the Plan Commission to add the stage to the floor plan before the Building Permit was granted.

The City Manager drafted and delivered a letter to Segura advising him to apply to the Plan Commission to allow the change in the floor plan (stage) to remain. A copy of the City Manager's letter to Segura is included with this packet.

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I did request a report of all documented noise complaints that were called into the Police Department from June 2017 to September 2017. Total number of documented complaints for this time period was nine.

The City has no argument with the application for the expansion of use / change of floor plan to allow the stage to remain in place as it currently exists.

**The Public Hearing:**

At 7:00 p.m. on September 28, 2017, the hearing on the request for an expansion of use/change in floor plan to an existing Special Use for a Beer Garden/Outdoor Eating Area, was held. Anthony Segura of Kewanee was present to represent the petition.

- Segura stated that he is simply seeking approval to allow the stage to remain in place as it exists.

Morrison asked if there was anyone in the audience to speak in favor of the petition. There was no response.

Morrison asked if there was anyone in the audience to speak in opposition of the petition. There was no response.

Morrison asked Edwards if there was anything to add on behalf of the City. Edwards reviewed the events as documented in the Plan Commission memo that are mirrored above in this document.

**Recommendation:**

After discussing the facts and testimony presented, the Plan Commission recommends, by a vote of six in favor, none opposed, three absent, to approve the request for expansion of use / change of floor plan to allow the stage to remain in place as it currently exists, to Segura and the Boiler Room for the existing beer garden.

There being no further business, the meeting adjourned at 7:07 p.m.

Respectfully yours,



Steve Morrison, Chairman



