

Everything You Need!

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

April 26, 2019

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

RE: Report from Plan Commission for April 25, 2019 Meeting.

The Plan Commission convened at 7:00 p.m. on April 25, 2019 Kewanee City Hall, Council Chambers. Commission members Costenson, Edleman, Mirocha and Sayers were absent. For business, there were two Special Use Permit applications upon which to conduct a public hearing.

Case Number 1:

Parcel 20-33-175-003 Located at 300 W Third St., Special Use Permit Petition for a beer garden/outdoor eating area, Andrew Speck, The Station.

Property Owner: Community State Bank, Lyle Ince, 409 Tenney St, Kewanee, IL. 61443.

Address: 300 W Third St.

Legal Description: PT DEPOT GRNDS BTWN TREMONT & PARK ST NW SEC 33 T15N R5E CITY OF KEWANEE [EZ], Henry County, Illinois.

Location: On the North side of the 300 Block of West Third St.

Dimensions: 251 feet East to West, 175 feet North to South (Approximately)

Area: 0.94 Acres or 40946 Square feet, approximately.

Existing buildings or uses: Restaurant

Current Zoning District: M-2 Manufacturing District – General.

Surrounding Zoning: M-2 Manufacturing District – General to the West, B-2 Business District – General Retail to the South, B-3 Business and Wholesale District to the Southeast.

Existing Land Use: Commercial.

Proposed Land Use Map: Commercial.

Background Information:

The proposed location currently houses a restaurant.

Andrew Speck currently operates The Station restaurant on the above location. Speck is proposing to expand his business by adding a large beer garden area for customers to eat, drink, play outdoor games and enjoy concerts. The area will also include a volleyball court in the future.

I do not see any items of concern with this Special Use Permit request.

Special Use Permits for the beer garden/outdoor eating areas are not transferrable to another owner. Speck is requesting the Special Use Permit to be issued to him. The mandatory list of items required in a

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beer garden/outdoor eating area are shown at the end of this section. Special Use Permit petitions must comply with section 155.117-B-7, which prohibits noise from the beer garden/outdoor eating area that disturbs the neighborhood.

If the Plan Commission is inclined to recommend a special use permit, shown below are some suggested stipulations.

1. The Special Use Permit for a beer garden/outdoor eating area is granted to Andrew Speck only and is not transferable to any future owners or operators 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 11:00 pm Sunday through Thursday and at midnight Friday and Saturday.

The Public Hearing:

At 7:00 p.m. on April 25, 2019, the hearing on the proposed Special use Permit to allow a beer garden/outdoor eating area at 300 W. Third St. was held. Andrew Speck was present to represent the application.

- Speck stated that his plan is to create two different beer garden areas. The first one will extend 70 feet to the North of the building towards the railroad tracks and will be 33 feet wide. The area would be used to play outdoor games such as bags and also to be used for outdoor eating area and possible music entertainment. The second phase would be 30 feet by 25 feet for a sand volleyball court to be added at a later date.
- Speck stated that he would like to request that the fencing be privacy fence along the East and West sides and chain-link along the North side which is parallel to the railroad tracks. Speck stated there is no residential property to the North and is requesting the chain-link in that area for customers to be able to view the trains that come thru town.
- Speck stated that the railroad tracks are part of the "charm" of The Station restaurant and he has a lot of customers that visit The Station specifically for that reason.
- Edwards read the City Code as it pertains to screening at a beer garden: Screening. The licensee shall provide a wall or fence of adequate height to screen the patrons on the premises from the view of the surrounding property. Such fence or wall shall be of a design and structure as recommended by the Plan Commission and approved by the City Council. The perimeter of the fence or wall shall be landscaped by the

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licensee with suitable plants and shrubbery to preserve, as far as possible, harmony with the appearance of the surrounding property. Said landscaping to be as recommended by the Plan Commission and approved by the City Council.

- Edwards went on to say that the Plan Commission could make the recommendation to the City Council to allow the chain-link as requested if the Plan Commission chooses to do so. The City Council may or may not vote in favor of the recommendation.
- The second phase would be 30 feet by 25 feet for a sand volleyball court to be added at a later date.
- Hodge stated that he would like to allow the chain-link area as requested. Morrison said he thought that this was open to discretion. Edwards stated that the code says the fence must "screen from view" and that if the Plan Commission chose to recommend the chain-link option for the section along the railroad tracks, Edwards could put that in the minutes for the City Council to review.

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

No others were 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 allow a beer garden/outdoor eatery be approved by the City Council. Specifically, the Plan Commission recommends that a Special Use Permit allowing a beer garden/outdoor eatery at 300 W. Third St. be granted to Andrew Speck.

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 for a beer garden/outdoor eating area is granted to Andrew Speck only and is not transferable to any future owners or operators 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 11:00 pm Sunday through Thursday and at midnight Friday and Saturday.

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7. Fencing shall be 6 feet tall on all sides with the East and West sides being of the privacy type and the North side parallel to the railroad tracks being of the chain-link variety.

Case Number 2:

Parcel 20-33-178-042 located at 200-202-204-206 N Chestnut Street, Special Use Permit Petition to serve alcohol by the drink and for a beer garden/outdoor eating area, Jeff Todd, DBA Boiler Room.

Property Owner: Anthony Segura, 124 E Prospect St, Kewanee, IL. 61443.

Address: 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: Commercial.

Proposed Land Use Map: Commercial.

Background Information:

According to the application turned in for this petition, Jeff Todd plans to keep the current operation of the Boiler Room the same as it currently exists. Todd's written narrative states that he intends to operate as a family friendly bar and grill and intends to have musical entertainment.

On June 23, 2016, The Plan Commission held a meeting for a petition filed by Anthony Segura for a special use permit for a beer garden. I researched the noise complaints at that time and found zero complaints for 2014 and two complaints for 2015 as reported by the Kewanee Police Department. After receiving this petition from Jeff Todd, I asked for an update from KPD. For 2016 there is one complaint, three for 2017 and one for 2018.

I don't see any items of concern with this Special Use Permit request. Though there have been some noise complaints, it has been very minimal.

The Public Hearing Special Use To Serve Alcohol By The Drink:

At 7:19 p.m. on April 25, 2019, the hearing on the proposed Special use Permit to serve alcohol by the drink and to allow a beer garden/outdoor eating area 200-202-204-206 N Chestnut St. was held. Jeff Todd was present to represent the application.

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- Todd stated that he plans to keep the floor plan and name the same as it is now but plans to change the business model to a more family friendly environment and also will be changing the menu to a more southern style selection.
- Todd stated that the entertainment that will be hired will be more of a blues, classic rock and country style.
- Todd stated that there will be more focus on food and less on the bar.

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 to serve alcohol by the drink 200-202-204-206 N Chestnut St. be granted to Jeff Todd.

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 Jeff Todd, DBA Boiler Room, only, and is not transferable to any successor property owners and/or operators of a restaurant 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 gaming parlor 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.

The Public Hearing Special Use To Allow A Beer Garden:

At 7:27 p.m. on April 25, 2019, the hearing on the proposed Special use Permit to serve alcohol by the drink and to allow a beer garden/outdoor eating area 200-202-204-206 N Chestnut St. was held. Jeff Todd was present to represent the application.

- Todd stated that he plans to keep the floor plan as it currently exists.

Recommendation:

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Phone 309-852-2611
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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 allow a beer garden be approved by the City Council. Specifically, the Plan Commission recommends that a Special Use Permit to allow a beer garden at 200-202-204-206 N Chestnut St. be granted to Jeff Todd.

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

1. The Special Use Permit for a beer garden/outdoor eating area is granted to Jeff Todd only and is not transferable to any future owners or operators 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 11:00 pm Sunday through Thursday and at midnight Friday and Saturday.

There being no further business, the meeting adjourned at 7:30 p.m.

Respectfully yours,



Steve Morrison, Chairman



§ 155.117 BEER GARDEN/OUTDOOR EATING AREA

(A) Purpose.

(1) The purpose of these regulations is to allow, under certain conditions the use by consumers of outdoor areas accessory to an establishment which lawfully serves alcoholic liquor. Said use of these accessory, outdoor areas to be conducted under the authority of a properly issued special use permit, the guidelines for which are contained herein.

(2) It shall be unlawful to conduct a beer garden/outdoor eating area as defined in § [155.003](#) hereof, without first obtaining a special use permit under this section.

(B) Operating conditions.

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(1) **Lighting.** Beer garden/outdoor eating area operated after dark shall be adequately illuminated by electric lights; but such illumination shall be so arranged and shielded by the licensee so as to reflect away from any adjoining property and streets. There shall be no flashing lights, strobe lights, or similar lights in the beer garden/outdoor eating area.

(2) **Screening.** The licensee shall provide a wall or fence of adequate height to screen the patrons on the premises from the view of the surrounding property. Such fence or wall shall be of a design and structure as recommended by the Plan Commission and approved by the City Council. The perimeter of the fence or wall shall be landscaped by the licensee with suitable plants and shrubbery to preserve, as far as possible, harmony with the appearance of the surrounding property. Said landscaping to be as recommended by the Plan Commission and approved by the City Council.

(3) **Signs.** There shall be no signage within the beer garden/outdoor eating area that is visible from off the premises.

(4) **Hours of operation.** The beer garden/outdoor eating area shall be closed at 11:00 p.m. Sunday through Thursday, inclusive. The beer garden/outdoor eating area shall be closed at midnight on Fridays and Saturdays.

(5) **Disposal of refuse.** At least once every 24 hours the licensee shall dispose of waste materials which tend to create a public nuisance on the premises. The licensee shall keep the premises whereon the beer garden/outdoor eating area is located, free from waste material and shall provide appropriate refuse containers.

(6) **Littering.** No person shall place, throw or deposit any case, bottle, paper, waste material or refuse upon the outside premises of any beer garden/outdoor eating area, or in the vicinity of same except in adequate receptacles provided for that purpose, nor shall the licensee permit such conduct.

(7) **Maintaining quiet and good order.** It shall be the duty of the licensee to maintain quiet and good order upon the premises of an outdoor eating place/beer garden and not permit disorderly or immoral conduct or loitering. The licensee shall not cause or create any noise or other nuisance in the outdoor area where the quiet and good order of the premises or of the neighborhood are disturbed. No person on the premises of a beer garden/outdoor eating area shall needlessly make or cause to be made any loud or unseemly noise, nuisance, or disturbance whereby the quiet and good order of the premises or the neighborhood is disturbed.

(C) **Application procedures.**

(1) Application procedures for a beer garden/outdoor eating area shall be the same as for a special use permit as provided for in sections §§ [155.155](#) through [155.157](#), Special Uses, of this chapter.

(2) **Additional information.** In addition to the information requested in sections §§ [155.155](#) through [155.157](#), Special Uses, of this chapter, the applicant shall also provide the following information:

- (a) The proposed capacity of the facility.
- (b) The location and size of the entrances and exits.
- (c) The kind of ground surface and storm water run-off facilities.
- (d) The location, size and construction of all structures.
- (e) The location, size and construction of surrounding walls, fences or barriers.

(D) **Standards of issuance.**

(1) The criteria for issuing a special use permit contained in §§ [155.155](#) through [155.157](#), Special Uses, of this chapter.

(2) The reputation of the applicant, his officers or agents, if any, and their ability to operate the beer garden/outdoor eating area in a manner consistent with the maintenance and preservation of good order, public health, safety, good morals and welfare.

(3) Whether the requirements of this section and all other governing laws and ordinances have been met.

(4) Any special use permit for a beer garden/ outdoor eating area may only be issued to the site's liquor licensee, and all such special use permits shall be non-transferable.

(E) **Revocation of special use permit.**

In addition to any other reason specified in any other regulation, a special use permit issued under the provisions of this section may be revoked or suspended when the City Council finds that:

(1) The licensee is operating in violation of this section or of any other governing law, ordinance or regulation; or

(2) The licensee is operating so as to constitute a nuisance by reason of noise disorderly or illegal conduct or immoral activity on the premises.

(Ord. 3327, passed 10-9-01)

7:17pm

PLAN COMMISSION Date 4/25/19

The Station

Attendance S.U. Stipulations

COSTENSON	X	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
EDLEMAN	X	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
HEMPHILL	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MINELLA	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MIROCHA	X	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MORRISON	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
HODGE	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
SAYERS	X	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MILROY	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
		5	0	5	0	5	0	5	0	5	0
		4 absent		4 absent		4 absent		4 absent		4 absent	

Allow Chainlink Tolls parallel to RR tracks.

PLAN COMMISSION

Date 4/25/19

Attendance in The Board Room Boardroom stipulations

COSTENSON	X	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
EDLEMAN	X	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
HEMPHILL	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MINELLA	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MIROCHA	X	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MORRISON	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
HODGE	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
SAYERS	X	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
MILROY	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
		5	0	5	0	5	0	5	0
		4 absent		4 absent		4 absent		4 absent	