

Everything You Need!

Phone 309-852-2611
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June 28, 2019

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

RE: Report from Plan Commission for June 27, 2019 Meeting.

The Plan Commission convened at 7:00 p.m. on June 27, 2019 Kewanee City Hall, Council Chambers. Commission member Costenson was absent. For business, there was one Special Use Permit application upon which to conduct a public hearing.

Case Number 1:

Parcel 20-34-101-015 Located at 831 Lake St., Special Use Permit Petition for a beer garden/outdoor eating area, Don Grabbe, Guppy's Lake LLC.

Property Owner: Don Grabbe, 705 E. 9th St., Kewanee, IL. 61443.

Address: 831 Lake St.

Legal Description: LT 3 JIM KELLYS SUB PT BLK 3 JOHN ZANGS ADD CITY OF KEWANEE, Henry County, Illinois.

Location: On the Southwest corner of Lake St. and Lakeview Ave.

Dimensions: 88.75 feet East to West, 201.5 feet North to South (Approximately)

Area: 0.41 Acres or 17883 Square feet, approximately.

Existing buildings or uses: Tavern.

Current Zoning District: R-4 Two-Family Dwelling District.

Surrounding Zoning: R-4 Two-Family Dwelling District West and South, R-2 One-Family Dwelling District to the North and East, R-5 Multiple Family Dwelling District to the Southeast, B-3 Business Service & Wholesale District to the Southwest.

Existing Land Use: High Density Residential.

Proposed Land Use Map: High Density Residential.

Background Information:

The proposed location currently houses a tavern.

Don Grabbe has purchased the property and has recently remodeled the interior of the building. There is an existing beer garden area that is also being remodeled. Grabbe has temporarily removed part of the fencing to rebuild a deck. Once the deck is completed, Grabbe will be replacing the fence and has no plans to use the area as a beer garden until said fence is installed.

I contacted the Kewanee Police Department to inquire about noise complaints at this location. KPD advised there has been 2 noise complaints documented since May 2017.

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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. Grabbe is requesting the Special Use Permit to be issued to him. The mandatory list of items required in a 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 Don Grabbe 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.

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 June 27, 2019, the hearing on the proposed Special use Permit to allow a beer garden/outdoor eating area at 831 Lake St. was held. Don Grabbe was present to represent the application.

- Grabbe stated that he has purchased the property for his semi-retirement and has done a lot of clean-up and remodeling inside the building. His intention is to operate a nice neighborhood bar for the community. Grabbe stated that the previous owner/operator of the location had a special use permit for a beer garden and he wishes to continue the same.

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

- Morrison asked if there were any persons present to speak in opposition of the petition. Charlene and James McLemore of 810 Lake St. came forward.
- The McLemores expressed their concerns over the noise at the location over the past years. They stated the noise comes from loud music, people yelling and fights. They said they have had to call the police department numerous times a week in the past and had to call again once recently.
- The McLemores said they do not have a problem with the beer garden itself, but don't like the noise and just want the noise kept down so they don't hear it from inside their house.
- Grabbe replied to the concerns from the McLemores and said that he wants to operate a nice neighborhood/community bar. Grabbe stated he will move the speakers so they point inward towards the beer garden space and will limit the volume.
- There was discussion about the process to revoke the special use permit if noise starts to be an issue.
- PC member Edleman stated he doesn't think the Commission should base their opinion off of previous owners and noise complaints.
- The McLemores came forward once again and stated if Grabbe can keep the noise down, they have no problem with it.

Recommendation:

After discussing the facts and testimony presented, the Plan Commission recommends, by a vote of eight in favor of the application, none opposed to the application, one 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 831 Lake St. be granted to Don Grabbe.

Additionally, the Plan Commission recommends by a vote of eight in favor, none opposed, one 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 Don Grabbe 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.

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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 7:28 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.

(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

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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)

PLAN COMMISSION

Date

6/27/19

Attendance *Beer Garden stipulations*

	Yes	no	yes	no	yes	no	yes	no	yes	no	yes	no
	abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent
COSTENSON	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EDLEMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HEMPHILL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MINELLA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MIROCHA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MORRISON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HODGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SAYERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MILLROY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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6/12

6/17

6/19

6/14