

Everything You Need!

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

October 25, 2019

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

RE: Report from Plan Commission for October 24, 2019 Meeting.

The Plan Commission convened at 7:00 p.m. on October 24, 2019 Kewanee City Hall, Council Chambers. Commission members Costenson, Mirocha and Sayers were absent. For business there was one Text Amendment request and one Special Use Permit application upon which to conduct a public hearing.

Case Number 1:

Petition requesting a text amendment to the Zoning code for the current list of approved special uses within a residential district.

Petitioner: Ellie Sabella
Address: 315 Roosevelt Ave.

Background Information:

On October 7, 2019 I received a concern, from an anonymous resident, about a dog grooming business being operated at 315 Roosevelt Ave. The resident inquired if it was a permitted use and asked me to look in to it. Research of our current zoning code does not allow Dog Grooming as an allowed use nor is Dog Grooming listed as an allowed Special use. I contacted the resident at 315 Roosevelt Ave. via telephone. Ellie Sabella stated she lives at 315 Roosevelt Ave. and stated that she started the Dog Grooming Business a few months ago. When I told her that Dog Grooming was not permitted and advised her of the process to petition the Plan Commission, Ellie was immediately apologetic and made an appointment to meet with me that same day to file an application for recommendation from the Plan Commission.

The first step in this case is for the Plan Commission to decide whether or not Dog Grooming should be added to the list of approved Special Uses within a residential district. The proposed amendment is as follows with the proposed insertions shown as underlined and highlighted in yellow.

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§ 155.003 DEFINITIONS.

DOG GROOMING. Dog grooming refers to both the hygienic care and cleaning of a dog, as well as a process by which a dog's physical appearance is enhanced for showing or other types of competition. Dog Grooming shall not include kennel or boarding functions.

§ 155.060 R-1 ONE-FAMILY DWELLING DISTRICT.

(A) Permitted uses.

- (1) One-family detached dwellings.
- (2) Home occupations as defined in this chapter.
- (3) Truck gardening and other horticultural uses where no building is involved and when no sale of products is conducted on the premises.
- (4) Churches.
- (5) Convents, monasteries, rectories or parish houses to be occupied by not more than ten persons.
- (6) Temporary buildings and uses for construction purposes for a period not to exceed one year. Said temporary buildings and uses are restricted to construction of residential buildings on the lot where the temporary buildings and uses are located, which residential buildings are in compliance with the provisions of this chapter.
- (7) Accessory buildings, as defined herein and as regulated by §§ 155.105 through 155.107.
- (8) Planned developments, as defined in § 155.003.
- (9) Signs, as regulated by §§ 155.140 through 155.145.
- (10) Off-street parking facilities, as required or permitted by §§ 155.120 through 155.126.

('71 Code, § 11-5-1) (Ord. 1413, passed 9-13-60; Am. Ord. 2784, passed 5-11-92; Am. Ord. 2814, passed 12-14-92)

(B) Special uses. The following uses may be allowed by special use permit per the provisions of §§ 155.155 through 155.157.

- (1) Airport, heliport, landing field or landing strip, subject to the Federal Aeronautics Administration certifying that a new or reoriented runway will not interfere with the flight pattern of any established airport, landing field, or landing strip.
- (2) Bus terminal, railroad passenger station, freight terminal, taxicab service, office or station, or any other public transportation terminal facilities.
- (3) Cemeteries, crematories or mausoleums.
- (4) Golf courses, public or private.
- (5) Hospitals or sanitariums, public or private.
- (6) Municipal or privately owned recreation building or community center, when operated not for profit.
- (7) Penal or correctional institutions.
- (8) Planned residential developments, as defined in § 155.003.
- (9) Police station or fire station.

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- (10) Public or private park or playground.
- (11) Public utility facilities, for example, filtration plant, water reservoir or pumping station, heat or power plant, transformer station and other similar facilities.
- (12) Railroad rights-of-way.
- (13) Schools, elementary, high or college, public or private.
- (14) Institutions or hospitals for the care of the insane or feeble minded, public or private.
- (15) Multiple-family dwellings and apartments.
- (16) Day care centers or nursery schools.
- (17) Nonresidential parking areas per § 155.122(E).
- (18) Sheltered care or board and care facility.
- (19) Independent and semi-independent elderly congregate housing.
- (20) Salon.
- (21) Dog Grooming.**

§ 155.061 R-2 ONE-FAMILY DWELLING DISTRICT.

(A) Permitted uses. Any permitted uses as set forth in § 155.060 in the R-1 One-Family Dwelling District.
(71 Code, § 11-6-1)

(B) Special uses. Any use permitted as a special use in § 155.060 R-1 One-Family Dwelling District may be permitted in any R-2 District per the provisions of §§ 155.155 through 155.157.

If the Plan Commission is so inclined to recommend this text amendment, staff would recommend the Plan Commission place stipulations such as: limiting the number of dogs permitted within the Grooming operation at any one time, that all operations take place inside a structure that is insulated and has properly functioning HVAC. Another stipulation that may be recommended is to prohibit the keeping of dogs outdoors while waiting for the owners to pick them up to keep noise complaints at a minimum. These are only suggestions and may be expanded on or removed.

After speaking with the City Manager on the topic, City Staff has no concerns with allowing Dog Grooming in a residential district as a home occupation.

The Public Hearing:

At 7:00 p.m. on October 24, 2019, the hearing on the Text Amendment request was held. Ellie Sabella, was present to represent the petition.

- Morrision read the proposed text amendment.
- Edwards read the background information off the Plan Commission Memorandum.

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- Sabella stated that she used to work in a larger dog grooming business and the stress level was very high. What she wants to do is a “one man show” and much lower volume of business.
- Edleman inquired if all the work is done inside the house? Sabella stated all work is inside and the only time the dogs are outside is when she takes them out on a leash to go to the bathroom.
- Morrison clarified that she does not board customers animals overnight.
- Morrison stated that years ago a similar case with in home beauty salons was also written into the City Ordinance.
- Hodge inquired about stipulations. Edwards responded that the Plan Commission are able to place stipulations on each Special Use request for a dog grooming operation on a case by case operation.

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 six in favor of the application, none opposed to the application, three absent, that the Text Amendment to add Dog Grooming to the list of Special Uses in a Residential District be approved by the City Council.

Case Number 2:

Parcel 20-33-456-013 Located at 315 Roosevelt Ave., Request for a Special Use Permit to allow a dog grooming operation.

Property Owner: Caleb Kelly, 315 Roosevelt Ave., Kewanee, IL. 61443.

Petitioner: Ellie Sabella, 315 Roosevelt Ave., Kewanee, IL. 61443

Address: 315 Roosevelt Ave.

Legal Description: W1/2 LOTS 1 & 2 BLK 5 MORTON PLACE ADD CITY OF KEWANEE, Henry County, Illinois.

Location: On the South side of the 300 block of Roosevelt Ave.

Dimensions: 65 feet East to West, 104 feet North to South

Area: 6760 Square feet.

Existing buildings or uses: Single family dwelling with detached garage and fenced in back yard.

Current Zoning District: R-2 One-Family Dwelling District.

Surrounding Zoning: R-2 One-Family Dwelling District in all directions.

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Existing Land Use: Low Density Residential.

Proposed Land Use Map: Low Density Residential.

Background Information:

The background information for this case is the same as Case 1. Please refer to Case 1.

I do not 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 stipulations that might be placed on a Special Use Permit for a Dog Grooming operation:

1. The Special Use Permit to allow a Dog Grooming operation is granted to Ellie Sabella and is not transferable to any future owners or operators on the site.
2. Ellie Sabella shall maintain primary residency in the house at 315 Roosevelt Ave.
3. No persons other than Ellie Sabella shall be employed in the Dog Grooming operation at 315 Roosevelt Ave.
4. Hours of operation shall not extend beyond 7:30 a.m. to 7:00 p.m. daily.
5. One parking space shall be provided and maintained while said Dog Grooming operation is in operation.
6. A sign advertising the Dog Grooming operation, maximum size of one square foot in area, may be posted on the premises.
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.
8. All activities associated with this Special Use Permit for a Dog Grooming operation shall be conducted in full compliance with the Kewanee City Code and the laws and regulations of the State of Illinois.

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:

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At 7:12 p.m. on October 24, 2019, the hearing on the Request for a Special Use Permit to allow a Dog Grooming Operation at 315 Roosevelt Ave. was held. Ellie Sabella, was present to represent the petition.

- Sabella stated that she wants to keep the operation small and low stress.
- Sabella stated that she is willing to be flexible on the hours and will cooperate with all the rules.
- Sabella plans to only have 3 to 4 small dogs at a time or 2 large dogs at a time.
- Edleman inquired about how long it takes to groom a dog. Sabella said that small dogs take around 1 to 2 hours depending on breed and large dogs can take up to 3 or 4 hours also depending on breed and condition of the dog.
- Milroy inquired how Sabella deals with dogs that need to go to the bathroom? Sabella stated she takes them out on a leash in the front yard. She does not take customers dogs into the backyard because that is where Sabella lets her own dogs outside.
- Morrison asked how many dogs Sabella has of her own. Sabella stated she has 4 dogs.
- Edwards asked some questions on behalf of the City as follows: How long was the grooming business in place before Sabella realized she had to follow the Plan Commission process? Sabella – 3 months, Have there been any visits from law enforcement or other representatives of the City concerning complaints of odor or noise? Sabella – No.
- Morrission talked briefly about the recommended stipulations and that the Plan Commission can add and remove to the list of stipulations.

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

There was one resident that spoke in opposition of the petition.

- Brigida Castillo of 709 Gilbert St. Stated that she does see Sabella's dog in the back yard often and that there is an area of the fence that needs repaired. Castillo also stated that she smells an odor from Sabella's backyard and that Castillo's dogs bark quite often.
- Edleman asked if the problems that Castillo stated got worse since Sabella started the grooming business. Castillo said she didn't know that Sabella had a grooming business until Castillo received the post card in the mail from the City. Castillo stated that Sabella needs to have concern for her neighbors and pick-up the waste from her own dogs. Edleman stated that the Plan Commission wasn't here to discuss the waste problem from Sabella's own dogs. Edleman reiterated that Castillo stated that Castillo wasn't even aware that there was a dog grooming business in operation already.

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- Edwards inquired if Castillo has ever called in a complaint or spoke with Sabella about Castillo's concerns. Castillo stated she has not. Edwards explained the process of calling in complaints concerning odor and noise.
- Hodge inquired if there was an ordinance concerning the number of dogs allowed in residential district. Edwards advised about the process that the City went through numerous years ago to re-write the City Ordinance concerning animals. Edwards stated that the only restriction was on the number of females capable of reproducing and that limit is four.
- Edwards advised that the stipulations are up to the Commission to add too and edit as they believe to be appropriate. Edwards also reminded the Commission of the process to revoke a Special Use Permit if needed down the road.
- Sabella addressed the Commission again concerning Castillo's concerns. Sabella stated that she was sorry that Castillo had these complaints and that Sabella would address these issues right away and added that Castillo is welcome to call or knock on the door if there's a problem and Sabella would correct it.
- Kaleb Kelly who lives with Sabella at 315 Roosevelt Ave. Kelly also stated that now that they know there is an issue for Castillo that Kelly and Sabella will be more mindful of the situation.
- Morrison and Edwards discussed the recommended stipulations noted in the memorandum. Edwards advised that the stipulations were similar to what the Commission places on in home salons and that the parking space might not need to be required for dog grooming as the customers drop off their pets rather than sitting and waiting. Morrison and several other Commission members nodded their heads in agreement.

No others spoke in opposition to 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 for a Special Use Permit for a Dog Grooming business at 315 Roosevelt Ave. be approved by the City Council.

Additionally, the Plan Commission recommends by a vote of six in favor, none opposed, three absent that the following 9 stipulations be placed on the Special Use Permit.

1. The Special Use Permit to allow a Dog Grooming operation is granted to Ellie Sabella and is not transferable to any future owners or operators on the site.
2. Ellie Sabella shall maintain primary residency in the house at 315 Roosevelt Ave.
3. No persons other than Ellie Sabella shall be employed in the Dog Grooming operation at 315 Roosevelt Ave.

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4. Hours of operation shall not extend beyond 7:30 a.m. to 7:00 p.m. daily.
5. A sign advertising the Dog Grooming operation, maximum size of one square foot in area, may be posted on the premises.
6. No dogs belonging to customers shall be permitted outside unattended and when outside must be leashed.
7. There shall be a limit of three customer dogs on the property at any time the grooming business is open.
8. 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.
9. All activities associated with this Special Use Permit for a Dog Grooming operation shall be conducted in full compliance with the Kewanee City Code and the laws and regulations of the State of Illinois.

There being no further business, the meeting adjourned at 7:51 p.m.

Respectfully yours,



Steve Morrison
Chairman

By: 

PLAN COMMISSION

Date

10/24/19

Attendance

Best from order

S.U.

Stipulations

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

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