

Everything You Need!

Phone 309-761-1013

May 23, 2024

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

RE: Report from Plan Commission for May 22, 2024 Meeting.

The Plan Commission convened on May 22, 2024 in City Council Chambers, at 401 E Third Street, commission members Costenson, Kuffel and Silva were absent. For business, there were three cases to be heard.

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.

Case Number 1:

Parcel 20-33-175-006 Located at 300 W. 3rd St., Request for a Special Use Permit to allow a beer garden.

Property Owner: Ben Endress, 8119 600 N. Ave., Buda, IL. 61314.

Address: 300 W. 3rd St.

Legal Description: LOT 2 STATION HOUSE SUB. CITY OF KEWANEE [EZ], Henry County, Illinois.

Location: On the North side of the 300 block of E. 3rd St.

Dimensions: Parcel is irregular in shape and is roughly 251 feet East to West, 206 feet North to South

Area: 0.94 Acres.

Existing buildings or uses: Large building that was most recently The Station House restaurant.

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

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Surrounding Zoning: Surrounding Zoning consists of a mix of Business & Manufacturing Districts.

Existing Land Use: Commercial.

Proposed Land Use Map: Commercial/Industrial.

Background Information:

James Hunt is in the process of renovating the existing building to create a new restaurant called Phatboys BBQ. Hunt wishes to utilize the yard space behind the building as an outdoor eating area, beer garden and entertainment space.

The city has no objections to the special use application.

Below are some suggested stipulations.

1. The Special Use Permit for a beer garden/outdoor eating area is granted to James Hunt and his assigns, only after inspection and approval by the City of Kewanee Building Official and City Manager.
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. All activities associated with this Special Use Permit for the proposed beer garden/outdoor eating area shall be conducted in full compliance with the Kewanee City Code and the laws and regulations of the State of Illinois
5. Any violation of the terms and conditions 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 5:30 p.m. on May 22, 2024 the hearing for the requested Special Use Permit began. James Hunt and was present to support the petition.

- Sellers began the meeting by reviewing the meeting process and advising the audience that comments will be held to a three-minute maximum time.
- Hasse made a motion to consider the Special Use Permit request. Johnson 2nd the motion.
- Edwards read the background information and added that Hunt is making many improvements and all inspections have passed. Edwards said the fence is compliant with the code and that the fence requirement is not in the suggested stipulations because it is already in the city code.

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- Hunt said they plan to have sand volleyball, bag boards and live music. Hunt added that they do not want to be a “bar” and plan to close at 10pm.
- Hunt said that he wants to have a volleyball league as well as a bags league. They also want to have a youth volleyball night too.

Recommendation:

The Plan Commission recommends, by a vote of six in favor, none opposed, to grant the Special Use Permit for a beer garden to James Hunt dba Phat Boys BBQ for property located at 300 W. 3rd St., Kewanee, IL.

- Sellers asked for a motion to consider the suggested stipulations.
- Hasse made the motion. Hodge 2nd the motion.
- Edwards read the stipulations.
- Edwards spoke briefly about the first stipulation that allows the beer garden to continue to be a beer garden if the establishment changes ownership. City staff have discussed the matter and if the beer garden has not been a source of complaints of any sort, then staff did not see a reason to make a new owner re-apply for a special use that has already been granted at the same property.

Recommendation:

The Plan Commission recommends, by a vote of six in favor, none opposed, to approve the suggested stipulations.

Case Number 2:

Parcel 20-27-380-026 Located at 1100 Lake St., Request for a Special Use Permit to allow a multiple-family dwelling within a one-family dwelling district.

Property Owner: Juan Contreras, 221 W. Hubbard St., Chicago, IL. 60654.

Address: 1100 Lake St.

Legal Description: LOT 1 SUB OF LOT 1 OF LOT 7 & 20 FT STRIP E & ADJ & S & ADJ BLK 2 TIBBETTS 2ND ADD CITY OF KEWANEE, Henry County, Illinois.

Location: On the North side of the 1100 block of Lake St.

Dimensions: Parcel is irregular in shape and is roughly 288 feet North to South and 342 feet East to West at the North lot line.

Area: 1.61 Acres.

Existing buildings or uses: Large one-family dwelling and detached garage.

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

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

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Existing Land Use: Low density residential.

Proposed Land Use Map: Low density residential.

Background Information:

Juan Contreras recently purchased the property at 1100 Lake St. Contreras contacted me to verify if the zoning would allow the dwelling to be converted to a two-family dwelling. He was advised, because the property is zoned R-2 one-family dwelling district, that a special use permit would need to be applied for and granted by the Plan Commission and City Council. Contreras submitted his application and floor plan concept.

The city has no objections to the special use application.

Directly below is a set of stipulations that might be placed on a Special Use Permit for a Multiple-Family dwelling:

1. The Special Use Permit to allow a multiple-family dwelling is granted to Juan Contreras and his assigns.
2. Off-street parking shall be maintained as an improved parking surface with sufficient parking spaces for all tenants.
3. All building, electrical and plumbing permits and inspections must be acquired and performed to the satisfaction of the City of Kewanee's building department.
4. All electrical work must be performed by a licensed electrician registered with the City of Kewanee.
5. All plumbing work must be performed by a state licensed plumber.
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.
7. All activities associated with this Special Use Permit for a multiple family dwelling shall be conducted in full compliance with the Kewanee City Code and the laws and regulations of the State of Illinois.

The Public hearing:

At 5:39 p.m. on May 22, 2024 the hearing for the requested Special Use Permit began. Juan Contreras was present to support the petition.

- Hasse made a motion to consider the Special Use Permit. Hodge 2nd the motion.
- Edwards read the background information. Edwards said that this particular property has been unmaintained for quite some time and it is nice to see that someone has purchased it and wants to make improvements. Edwards added that he discussed the permitting process, with Contreras, regarding building, electrical and plumbing. The work being done will have to be done in compliance with the codes and the requirements for minimum square footage for the dwelling units.

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- Contreras stated that the house is exceptionally large and plans on two dwellings. Both dwellings will have their own entrances and exits as well as their own parking areas.

Recommendation:

The Plan Commission recommends, by a vote of six in favor, none opposed, to grant the Special Use Permit for a multiple family dwelling to Juan Contreras for property located at 1100 Lake St., Kewanee, IL.

- Sellers asked for a motion to consider the suggested stipulations.
- Smith made the motion. Johnson 2nd the motion.
- Edwards read the stipulations.

Recommendation:

The Plan Commission recommends, by a vote of six in favor, none opposed, to approve the suggested stipulations.

Case Number 3:

Parcel 20-27-427-007., HVN Capital, LLC requesting a special use permit to allow a cannabis craft grower.

Property Owner: City of Kewanee, 401 E. 3rd St., Kewanee, IL. 61443.

Address: The parcel is located at the Southeast corner of Railroad Ave and Cole St.

Legal Description: LTS 10,11,12,13 & PT LT 2 BLK 1 MCMULLENS 3RD ADD & PT SE, EX HWY, SEC 27 T15N R5E LANDS INCORP. CITY OF KEWANEE [EZ], Henry County, Illinois.

Location: Southeast corner of Railroad Ave and Cole St.

Dimensions: TBD. Parcel to be subdivided once approved and sold.

Area: TBD.

Existing buildings or uses: None.

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

Surrounding Zoning: M-2 Manufacturing District, General to the East. B-3 Business Services & Wholesale District to the West. R-1 One-Family Dwelling District to the South.

Existing Land Use: Commercial.

Proposed Land Use Map: Heavy Industrial.

Background Information:

HVN Capital, LLC, of Kewanee, IL. has been in conversations with city staff for several months about the potential use for the subject property as a Cannabis Craft Grower facility. Included in this packet is a thorough written narrative which includes information about their business plan, building and site plans.

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Included at the end of this memorandum is a copy of the city ordinance sections pertaining to the Cannabis Craft Grower use.

The city has no objections to the special use application.

I would encourage all Plan Commission members to read the enclosed information and write down any questions you may have in advance.

I have no recommendations for stipulations on this application as the state laws pertaining to dispensaries and how they shall operate are strict enough on their own. Plan Commission members are welcome to bring their suggestions, if any, to the meeting for consideration.

The Public hearing:

At 5:15 p.m. on May 22, 2024 the hearing for the requested Special Use Permit began. Chad Anderson and was present to support the petition.

- Hodge made a motion to consider the Special Use Permit request. Johnson 2nd the motion.
- Edwards read the background information. Edwards stated the subject property is a large parcel of land and will be subdivided if the Special Use Permit is granted and that the subdivision will follow the laws that regulate the distance requirement from the DOC facility. Edwards had discussed the permit process with Anderson and advised that, due to the size of the project, Anderson will need to contract with an Illinois Licensed Engineer to assist with the needed inspections. Edwards added that the concept drawings show a very nice-looking building that will be in character with what you would expect see in this zoning district. Edwards said there has been discussions, with the building officials group that he belongs to, with other municipalities that have dispensaries and grow facilities. He has heard nothing negative from the officials in those areas.
- City Manager Gary Bradley came forward and added that the zoning, where this parcel exists, was designed for exactly these types of facilities to go into. This is why the city has an industrial park to create jobs.
- Sellers asked about security at the facility.
(Anderson was on his way to the meeting and was not yet present)
- Bradley stated there are strict state laws regarding security at these facilities.
- Hasse asked about other businesses looking at the same area and expressed concern about approving this special use and possibly not having enough land for another business to move in.
- Bradley said there are three other businesses that have expressed interest in the area and that the facility being discussed today would not eliminate anyone else from using the space.

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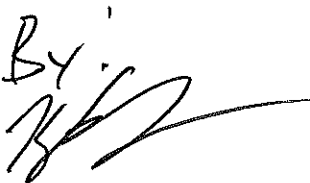
- Anderson arrived and apologized as he was mistaken about the time for the meeting.
- Anderson said the facility will be about 50,000 square feet and will be heavily secured 24 hours a day. This will be the maximum size allowed by the state. Anderson explained some of the strict security requirements regulated by the state and the property will be fenced with security at the entry gate as well.
- Hasse asked if Anderson has gone beyond the concept drawings provided.
- Anderson said they need to purchase 5 acres of land and gave a brief overview of the layout, parking, and access.
- Edwards asked how many jobs are expected to be created. Anderson said between 70 and 100 jobs are expected once they are at maximum production.
- Edwards advised the commission that the entire parcel is just under 48 acres.
- Hasse expressed concern that the parcel, after being subdivided, meets the distance requirement from the DOC.
- Edwards reminded the commission that the requirement is already in the city ordinance; therefore, a stipulation is not required. Because it is written in the current ordinance, it is against the law to do anything less than what is required and would not pass local or state inspections.
- Bradley reinforced that the city will not subdivide the property without it following the requirements of the law.
- Anderson said the state also will not approve the operation of the facility if it is not in compliance.

Recommendation:

The Plan Commission recommends, by a vote of six in favor, none opposed, to grant the Special Use Permit for a cannabis craft grower to HVN Capital, LLC for property located at PIN: 20-27-427-007, Kewanee, IL.

There being no further business the meeting adjourned at 6:02 p.m.

Respectfully submitted,
Kim Sellers
Kim Sellers,
Plan Commission Chairperson

By:


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§ 155.071 M-2 MANUFACTURING DISTRICT, GENERAL.

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

(8) Cannabis craft grower. Cannabis craft growers shall not be located within 750 feet of the property line of a school, church, licensed daycare center, nursery school, park, sheltered care or board and care facility, penal or correctional institutions, hospitals or sanitariums, public or private, municipal or privately owned recreation building, or any other use deemed necessary by the Planning Commission and City Council. The hours of operation shall be determined as a part of the conditions under which the special use is granted. The consumption of all cannabis and cannabis infused products, on the cannabis craft grower site, shall be prohibited. Cannabis craft growers shall comply with all other city and state laws. (Ord. 4066, passed 8-9-21)

§ 155.003 DEFINITIONS.

CANNABIS BUSINESS ESTABLISHMENT. An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

CANNABIS CRAFT GROWER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS CULTIVATION CENTER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS DISPENSARY. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS INFUSER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into

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a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS PROCESSOR. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS TRANSPORTER. An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PLAN COMMISSION

Date

5/22/24

Ad

M

2nd

Attendance

SELLERS	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
HASSE	✓	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
COSTENSON	X	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
KUFFEL	X	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
SMITH	✓	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
SILVA	X	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
JOHNSON	✓	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent	yes abstain	no absent
	6P	by ON		by ON		by ON		by ON	