

Pekin Planning Commission Meeting
Council Chambers
111 South Capitol Street, 2nd level
October 11, 2017
5:30pm

Present:

Bill Craig, Chair
Steve Thompson
Chris Deverman
Don Hild

Ron Knautz
James Ruth
Amy Wilson

The regular meeting of the Pekin Planning Commission was called to order and a quorum was declared.

Staff present: John Lebegue, Building Inspections/Development Director, and Attorney Scott Kriegsman.

MOTION by Steve Thompson to approve the October 11, 2017 Agenda, Seconded by Ron Knautz. On roll call vote, all present voted AYE. Motion approved.

MOTION by Ron Knautz to approve the minutes of September 13, 2017, Seconded by Chris Deverman. On roll call vote, all present voted AYE. Motion approved.

Council Action Reports:

At the September 25, 2017 regular meeting of the Pekin City Council, the members of the City Council, by a unanimous vote, concurred with the recommendation of the Pekin Plan Commission to approve a petition submitted by Pekin Insurance for the vacation of the Sharon Avenue right-of-way. The City Council approved both, an ordinance of vacation and a plat of vacation for the Sharon Avenue right-of-way.

Application #1: Review of petition for a Special Use for a home occupation to conduct a dog daycare use at 1102 Chestnut Street.

Hearing #1 (09-1914): Review and consideration of petition by Deanna Shanks, located at 1102 Chestnut Street, for a Special Use for a home occupation to conduct a dog daycare use, with a Legal Description of SEC 35 T25N R5w Bush's Subd. 7 Lot 191 (65' x 110' Exc. S 5') NE ¼, with a P.I.N. # 04-04-35-214-003 in Tazewell County Illinois.

Hearing #1 (09-1914): Open Public Hearing: 5:37 p.m.

Bill Craig, Chair entertained a motion for discussion.

Commissioner Thompson made a motion question on the request for Special Use authorization, seconded by Commissioner Ron Knautz. On a roll call vote

Deanna Shanks and Larry Clark appeared before the Plan Commission to provide testimony for their Special Use request. Ms. Shanks explained the nature of the pet daycare / boarding use that was being

conducted on the property at 1102 Chestnut Street. Ms. Shanks explained that there was a need for the services that she was providing that a commercial kennel could not provide and that the use was of a relatively small nature, with no more than 10 pets in daycare and up to 5 boarded overnight.

Larry Clark stated that the home dog daycare was a much more pleasant environment for a pet than a commercial kennel and that they paid far more attention to the pet.

Ms. Shanks stated that they were all certified in pet CPR and that they used air horns to separate dogs when conflicts between pets occurred.

Close Public Hearing: 5:39 p.m.

Commissioner Ron Knautz opened discussion by stating that he read all the material and see the pros and cons to the proposed dog daycare / boarding use, but questioned how the use would fit from a zoning perspective.

Ms. Shanks apologized for not checking whether the Zoning Code allowed such a use to be conducted in a residential neighborhood.

Commissioner Steve Thompson asked how the dog daycare use could be controlled so that the use would not adversely affect the neighbors. In response to Commissioner Thompson's question, Ms. Shanks stated that they do everything they can to prevent the use from being a nuisance to neighboring property owners, but did acknowledge that there was a complaint lodged in the past when a hound dog in their care would not stop barking no matter what they did to stop it.

Commissioner Chris Deverman asked what steps were taken in regard to clean-up of dog waste to prevent offensive odors. Mr. Clark answered that dog waste is picked up regularly and disposed of in sealed bags to control any offensive odors that may be generated. Ms. Shanks further stated the rear yard is also sprayed for fleas and mosquitos on a regular basis as well.

Commissioner Deverman further asked how many dog she took care of most of the time during the week. Ms. Shanks answered that they have up to 10 dogs in daycare and no more than 5 dogs boarded overnight, which the limits established by their insurance.

Commissioner Amy Wilson then asked what type of fence enclosed the rear yard of the property. Ms. Shanks answered that the fence is a 6 foot solid wood fence.

Commissioner Steve Thompson then asked if there existed any ordinance restrictions as to the number of pets that can be kept on a property and how the definition of commercial kennel applied to the request. Building Inspections / Development Director John Lebegue answered by stating that there currently is no language in the City Code that specifically limits the number of animals. Attorney Scott Kriegsman stated that, as pointed out in the staff memorandum, any lot or premises where more than 3 dog are boarded would constitute a commercial kennel. Mr. Lebegue added that a commercial kennel use is only permitted in the I-1, Light Industrial and I-2, General Industrial Districts and that a commercial kennel use is prohibited in the R-4, One-Family Residential District.

Commissioner Wilson stated that she felt the dog daycare use is a good use, but that doesn't feel that our ordinances allow such a use in a residential zoning district and cannot support the granting of a Special Use.

Chairman Bill Craig stated that he too did not feel that a Special Use could be granted and that even the dog daycare without any boarding could not be approved. Chairman Craig continued by stating that the proposed dog daycare / boarding use violated Section 9-4A-2, (B) of the City Code in that the use generated traffic, parking and water use in excess of what was normal in a residential neighborhood and created noise and odors which could become a nuisance for neighboring properties. Chairman Craig ended his comments by stating that the dog daycare / boarding use is the right business in the wrong place.

Motion made by Chris Deverman, seconded by Ron Knautz to recommend denial of the petition for a home occupation to conduct a dog daycare use at 1102 Chestnut Street. On roll call vote, all present voted Nay. Request denied.

Members of the Plan Commission then asked Building Inspections Development Director Lebegue the status of the improper activities taking place at 702 S. 2nd Street. Mr. Lebegue stated that correspondence had been sent to Matthew Mackey, the business owner, and the owner of the property, officially notifying them that the improper parking of vehicles for sale, storage of unlicensed, inoperable vehicles and the unlawful vehicle salvage activities must be ceased. Mr. Lebegue concluded by stating that if the unlawful activities continued that the matter would be brought back to the Plan Commission to consider revocation of the Special Use that was granted to Matthew Mackey to operate a tire shop / auto repair shop use. Commissioner Ron Knautz then requested that the auto sales business next to Arby's on Court Street be checked out to make sure they are not conducting auto repair activities beyond what the Special Use allows. Mr. Lebegue stated that he would have the property inspected to verify what repair activities are taking place.

No public input

Motion made by Ron Knautz, seconded by James Ruth to adjourn. On roll call vote, all present voted Aye. Motion approved. Meeting adjourned at 6:01 pm.

Respectfully submitted:

John R. Lebegue, Building Inspections / Development Director
