



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: February 25, 2020

SUBJECT: Petition of Kevin Wagner of Kev's Kans Inc for a Special Use to allow for the outdoor storage of items associated with a business at 4200 E Washington St.

BACKGROUND: The petitioner here is seeking a Special Use for the outdoor storage of dumpsters at this location. As the placement of them is currently visible from Rt. 8, staff recommends the dumpsters be screened and a maximum number of not more than 30 dumpsters be permitted. The petitioner has indicated that he is going to relocate the dumpsters on the property to the SW corner of the building – which moves them further from the view of the street and provides some additional screening.

At the ZBA hearing, the board voted 7-0 to recommend approval of this proposal to the City Council once the site plan was revised with more detail and with the following conditions:

- within 90 days of the approval of the Special Use, the area where the dumpsters are shown on the submitted site plan be screened with at least 6' tall gates and fencing with slats or mesh
- the dumpsters on-site be moved to the proposed location as soon as possible
- access to the dumpster storage area is to be paved with the dumpsters to be stored on compacted gravel
- not more than 30 dumpsters be permitted to be stored here at any given time.

RECOMMENDATION: Approval, with the conditions, as presented.

ORDINANCE NO. 4491

**AN ORDINANCE AUTHORIZING A SPECIAL USE
FOR PROPERTY LOCATED AT 4200 W. WASHINGTON STREET
IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS**

WHEREAS, Kevin Wagner (the "Petitioner") has petitioned for a special use to allow for the outdoor storage of garbage dumpsters on property zoned "B-3, Business Service District" and located at 4200 W. Washington Street, as shown and described at "Exhibit A" attached hereto and incorporated herein by reference (which property as so described hereinafter referred to as the "Property"); and

WHEREAS, the Petitioner leases a portion of the Property for conducting his business of renting, collecting, and dumping garbage dumpsters; and

WHEREAS, after hearing pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed Special Use subject to certain conditions hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. A Special Use to allow the outdoor storage of garbage dumpsters as part of Petitioner's business operations on the Property is hereby approved.

Section 2. The establishment and continuation of the special use hereby authorized is contingent upon continual compliance with all applicable provisions of the City Code and the following special conditions:

1. Not more than thirty (30) garbage dumpsters may be stored outdoors on the Property at any given time in the location set forth on the site plan for the Property submitted by the Petitioner, as site plan is attached hereto as Exhibit B (the "Site Plan").

2. Within 90 days after approval of this Ordinance, Petitioner shall construct an enclosure consisting of six-foot tall fencing and gates in the area shown on the Site Plan for the location of the dumpster storage, with all fencing and gates to include slats or mesh, as a means to screen all stored dumpsters on the Property from view from all directions (the "screening enclosure").

3. Access to the screening enclosure shall be paved, and the area on which the dumpsters are stored within the screening enclosure shall be compacted gravel or paved

4. Prior to beginning construction of the screening enclosure, Petitioner shall provide to the Director of Planning and Community Development for review and approval an updated Site Plan with more detail that shows the improvements required under this Ordinance, including the screening enclosure for the dumpster

storage area, the paving of the access to the screening enclosure, and the area on which the dumpsters are stored with compacted gravel or paved, and thereafter shall install and maintain the approved screening enclosure.

5. Petitioner shall move all dumpsters stored in the Property into the screening enclosure as soon as practicable after completion of the construction of the screening enclosure.

Upon the violation of or failure to comply with the forgoing conditions or with any provisions of the City Code applicable to the Property or its use, the City Council may, after providing reasonable notice and an opportunity for a hearing, terminate the Special Use hereby approved.

Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2020.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

Special Use
4200 E Washington St.
Kev's Kans

Exhibit "A"

Legal Description: P.I.N.: 01-01-25-210-011 & 01-01-25-210-014



EXHIBIT B



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