

VILLAGE OF NORTH UTICA

801 South Clark Street

North Utica, IL 61373

Planning Commission

Public Hearing

December 9, 2015

www.utica-il.gov

AGENDA

- I. 6:00 p.m. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Public Hearing: Petition of Kelly Waters, Tenant and Pat Senica, Owner for property generally located at 142 Mill St., Utica, IL
 - 1.) Petition seeking a Special Use for the purpose of the operation of Bar allowing the sale and consumption of alcoholic liquor
- V. Discussion and Possible Recommendations of the Planning Commission
- VI. Public Comment
- VII. Consideration of Approval of Minutes: 12-03-15
- VIII. Adjournment

POSTED 12-04-15

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At 6:05 pm the meeting was called to Order by Village Clerk Laurie Gbur who then led the Pledge of Allegiance. Present at the meeting were Planning Commission Members Doug Gift, Dennis Hamilton, Bill Fry, Roy Chapman and Matt Cetwinski. Chairman Tom Guttilla and Member Warren Munson were absent from the meeting. Village Attorney Herb Klein and Village Engineer Kevin Heitz also attended the meeting.

Note: Mayor Matt Jereb and the entire Village Board of Trustees were present in the audience for the meeting.

It was then motioned by Member Fry, seconded by Member Hamilton to nominate Member Gift to Chair the meeting in the absence of Chairman Guttilla.

All in favor

Motion Carried

Chairman Gift asked Attorney Klein to provide a brief summary of the Petition.

Attorney Klein stated that the Petition, filed by Kelly Waters (tenant) and Pat Senica (owner) of property located at 142 Mill St., Utica, was seeking a Special Use for the operation of a bar. The legal notice of the Public Hearing was entered into the Record as Village Exhibit #1 and the application for Petition was entered into the Record as Village Exhibit #2.

Attorney Klein then noted that a Special Use is needed in the C1 District.

Ms. Kelly Waters was sworn in to provide Testimony.

Ms. Waters stated that she is interested in moving her gaming business to her new location at 142 Mill St. Her monthly rent was increased at her current location on Rt. 178 so when her lease ended she contacted Pat Senica to inquire about the vacant building on Mill St. She would be opening the same business however the space is much smaller. Only the front half of the building would be utilized because the owners use the other space for their personal storage. Ms. Waters then also explained that she would be able to be right across the street from her other business, Skoog's Pub. Her liquor sales at the gaming location have always been minimal, however she will need the Class A license to be able to have gaming.

Attorney Klein stated that in order to have gaming a Class A Liquor License is needed. The Village Liquor Ordinance allows for ten Class A Liquor Licenses to be issued annually.

Ms. Waters currently has a Class A Liquor License however the new location requires a Special Use therefore the license can't be transferred.

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Chairman Gift then asked if there were any questions for Ms. Waters from the Planning Commission Members.

Member Fry asked if the Village wants a gaming business located in the downtown business district. He then stated, "The updated draft of the Comprehensive Plan doesn't show additional bars located downtown. We need additional new stores and businesses."

Member Hamilton then stated that Ms. Waters already has a business and she is just moving it to a different location.

Member Chapman then asked Ms. Waters about the need for additional parking. Ms. Waters stated that no one has approached her with a concern about parking and that her parking need would be the same as they are for any other business in the area. Engineer Heitz noted that in the downtown area parking is more general. Attorney Klein then stated that off street parking in the C1 district is not required.

Engineer Heitz asked if there will be a restroom available for patrons of the business. Ms. Waters answered "yes".

Member Fry asked about the current revenue of the business.

Ms. Waters responded as follows:

Funds in: \$ 583,490

Funds out: \$ 138,901

State of Illinois: \$ 34,729

Village: \$ 6,945

Chairman Gift then stated that the gaming that is currently downtown in locations that are established restaurants. They are not entirely gaming businesses.

Ms. Waters stated that there are only 3 machines in Skoog's Pub; it is primarily a restaurant and bar. "However, there is a specific demographic of people that will only go to a gaming room rather than a full bar. They like the atmosphere and privacy of a gaming room."

Chairman Gift asked if a gaming room has any effect on other retail businesses.

Ms. Waters stated that in the neighboring communities there are several gaming rooms. "People are used to them and it doesn't deter from other retail shopping."

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Chairman Gift then asked if there were any questions for Ms. Waters from the audience. There were none.

Chairmen Gift then asked if there were any statement in favor or opposition of the Petition.

Ms. Louise Harmon was sworn in by Attorney Klein.

Ms. Harmon stated that she is the owner of two buildings on Mill St. in Utica and a campground north of Rt. 80. The campground receives approx. 1,000 people per week and they are asked for recommendations of eating and retail establishments in town. She feels that Utica is losing too many retail shops in the community and more liquor and gambling establishments are not needed. It is becoming harder to rent out the buildings downtown when people find out they will be surrounded by liquor an gambling rather than retail shops.

Ms. Waters then stated that Harmony Paintings and Elegant Home Gifts are currently downtown. She also stated that she would love to see additional retail and that her gaming room would not dominate the entire block of Mill St. She also stated that more diversity is needed in any community.

With no additional testimony the Public Hearing was closed at 6:29 pm. Motioned by Member Chapman, seconded by Member Fry.

All in favor

Motion Carried

Attorney Klein then stated the factors to be considered when deciding on a Petition for a Special Use as follows:

1. Is necessary or desirable to provide a service which is in the interest of public convenience.
2. Will cause no additional threat to public health, safety, or welfare or creation of a nuisance.
3. Will cause no additional public expense for flood protection, fire rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.

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4. Will not unduly increase traffic congestion on public roads and highways.
5. Will not alter the essential character of the property or neighborhood in question.
6. Meets other requirements of this title, such as parking and landscaping.
7. Is consistent with the purpose and intent of the comprehensive plan.

General discussion of the Members then took place.

Member Cetwinski stated that a gaming business is fine in its current location however it's not needed in the downtown.

Member Fry agreed that the gaming business is best in its current location.

Member Chapman stated that in the absence of new retail, this would add to the downtown.

Member Hamilton agreed that a business in the downtown looks better than a vacancy.

Chairman Gift then stated that this Petition was filed prior to the completion and adoption of the updated Comprehensive Plan.

Attorney Klein reminded the Commission that the Comprehensive Plan is a guide for the future of the community. A Special Use could be recommended with additional conditions, or the matter could be denied, or the it could be tabled until a later date, such as after the new Plan is adopted.

Motion was then made by Member Fry, seconded by Member Cetwinski to recommend denial of the Petition.

2 Yes (to Deny the PETITION – Members Fry and Cetwinski)

2 No (to Deny the MOTION -- Members Hamilton and Chapman)

1 Yes (to Deny the PETITION – Chairman Gift)

Motion to recommend Denial of the Petition was carried

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Public Comment: NONE

Approval of Minutes: It was motioned by Member Cetwinski, seconded by Member Chapman to approve the Minutes from the 12-3-15 meeting.

All in favor

Motion Carried

It was then motioned by Member Fry, seconded by Member Chapman to adjourn the meeting at 6:40 pm.

All in favor

Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk