

VILLAGE OF NORTH UTICA

801 South Clark Street

North Utica, IL 61373

Planning Commission

Public Hearing

June 1, 2017

www.utica-il.gov

AGENDA

- I. 6:00 p.m. Call to Order
- II. Pledge of Allegiance
- III. Roll Call

- IV. Public Hearing - 6:00 pm:
 - 1.) Petition of William D. Johnson and Dawn M. Johnson Owners, seeking the Approval to re-subdivide four (4) duplex lots in Ridgeview Subdivision, in order to make each side or half of each duplex into an individual saleable and taxable property. The tract of land affected is commonly known as follows: 703, 707, 709 & 711 Burgess Dr., Utica, IL.

- V. Discussion and Possible Recommendations of the Planning Commission regarding:
 - 1.) Approval to re-subdivide four (4) duplex lots known as 703, 707, 709 & 711 Burgess Dr., in Ridgeview Subdivision Utica, IL, in order to make each side or half of each duplex into an individual saleable and taxable property.

- VI. Public Hearing - 6:15 pm:
 - 1.) Petition of Northern White Sand, LLC, seeking a variance from the Village of North Utica Zoning Ordinance provisions regarding the height of buildings to be constructed and used by the Petitioner in its' operations. Petitioner is seeking a height variance not exceeding 90 feet. The tract of land (tract A) affected is commonly known as 1053 N. 2803rd Rd., Utica, IL

- VII. Discussion and Possible Recommendations of the Planning Commission regarding:
 - 1.) Granting of a height variance to allow for construction to enclose the existing hydrosizer /wash plant to a height not exceeding 90 feet. Tract A is already zoned A -1 with Special Use Permit for Mining.

- VIII. Consideration of Approval of Minutes: 3-08-17

- IX. Old / New Business
- X. Public Comment
- XI. Adjournment

POSTED 05-30-17

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MINUTES

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

Attorney Klein presented the Rules of Procedure. It was motioned by Member Fry, seconded by Member Chapman to adopt the Rules of Procedure for the meeting.

All in favor

Motion Carried

Attorney Klein then provided a summary of the Petition:

Petition of William D. Johnson and Dawn M. Johnson Owners, seeking the Approval to re-subdivide four (4) duplex lots in Ridgeview Subdivision, in order to make each side or half of each duplex into an individual saleable and taxable property. The tract of land affected is commonly known as follows: 703, 707, 709 & 711 Burgess Dr., Utica, IL.

The Notice of Public Hearing, which was published on 5-15-17 in the News Tribune, was entered into the record as Village Exhibit #1.

Attorney Pat Barry entered the Petition into the record as Petitioners exhibit #1 and the Restrictive Covenants were entered into the record as Petitioners exhibit #2.

Attorney Barry provided testimony on behalf of the Petitioners, Mr. and Mrs. Johnson. He stated that they would like to subdivide the lots to allow for the properties to have separate taxability and for the possibility of future sale of the properties. All of the properties have a fire wall separating each side of the duplexes. There is one property, Lot # 22, that has a shared septic system. If replaced, the system will be separated. Lots 23, 24, & 26 already have separate septic systems.

If the properties are sold in the future, the restrictive covenants provide for roof replacement, when needed, the cost and all materials would be shared by both property owners.

Member Fry asked if Lot #22 had sufficient property to accommodate separate septic systems in the future.

Attorney Barry – Yes

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Chairman Guttilla asked if the properties are sold in the future, whether the new owners would have to abide by the covenants regarding roof replacement. "What if one side of the property wants a new roof and the other side doesn't?"

Attorney Barry – Yes they would have to abide by the covenants. The requirement is that both sides of the roof would have to match.

Member Hamilton asked if the fire wall goes all the way to the roof.

Attorney Barry – Yes, in all four duplex units.

Engineer Heitz then stated that Mr. and Mrs. Johnson have been great property owners in the Village. Their properties are well maintained.

Chairman Guttilla asked if anyone had any questions for the Petitioner.

Hearing none;

Chairman Guttilla then asked if anyone would like to speak in favor of the Petition.

Hearing none;

Chairman Guttilla then asked if anyone would like to speak in opposition of the Petition.

Hearing none, it was then motioned by Member Hamilton, seconded by Member Chapman to close the Public Hearing at 6:25 pm.

All in favor

Motion Carried

It was then motioned by Member Munson, seconded by Member Fry to recommend approval of the subdivision of property located at 703, 707, 709 & 711 Burgess Dr., Utica, IL.; lots 22,23,24 & 26 respectively; subject to the approval of the restrictive covenants by the Village Attorney and the Village Engineer.

5 Yes

Motion Carried

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At 6:27 pm, the next Public Hearing began.

The Planning Commission Members remained in attendance and a court reporter was also present for the Public Hearing.

Member Gift made a brief statement. He had recused himself from previous hearings for Northern White Sand, LLC. due to his employment by the law firm representing the company. He retired from law practice in 2015 and is no longer affiliated with any law firm therefore he would like to participate in the hearing. Attorney Klein and the Petitioner agreed.

Attorney Klein then provided a summary of the Petition:

Petition of Northern White Sand, LLC, seeking a variance from the Village of North Utica Zoning Ordinance provisions regarding the height of buildings to be constructed and used by the Petitioner in its' operations. Petitioner is seeking a height variance not exceeding 90 feet. The tract of land (tract A) affected is commonly known as 1053 N. 2803rd Rd., Utica, IL

The Notice of Public Hearing, which was published on 5-15-17 in the News Tribune, was entered into the record as Village Exhibit #1.

Attorney John Duncan entered the Petition as well as a letter dated 5-10-17 to the Village President, Board and Planning Commission into the record as Petitioners exhibit #1.

Attorney Duncan, provided testimony on behalf of the Petitioner, Northern White Sand, LLC. He stated that there is a large piece of equipment, a hydrosizer that is 75 ft. tall, that requires enclosing. Northern White Sand, LLC. requires additional height to accommodate the structure as well as the additional clearance needed for safety of their employees. It will look similar to the existing enclosed structure located at Unimin Corporation and will ultimately help to reduce noise and light emitted from the equipment. They are seeking a variance of 90 ft.

Mr. Eugene Hodges, Safety & Health Environmental Director; Northern White Sand, LLC., was sworn in by the court reporter.

Chairman Guttilla asked why the equipment was not enclosed in the beginning when it was built.

Mr. Hodges – At that time, they didn't need to have it enclosed however now their process has changed.

Member Fry asked when the process changed.

Mr. Hodges – two or three months ago Northern White Sand developed a new process.

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Member Fry stated that when Northern White Sand (Then Illinois Sand Co.) annexed into the Village in the beginning, they stated that they did not have a long-range plan. Does the company have a long-range plan now?

Mr. Hodges- two or three months ago the market conditions changed and that is when this plan was developed.

Member Fry then asked if Mr. Hodges could answer financial information about the company however, Attorney Klein reminded the Planning Commission that this Public Hearing was specifically about a height variance.

Chairman Guttilla asked if this enclosure would address concerns of the residents in that area regarding blowing sand, light and noise.

Mr. Hodges stated that they will enclose the equipment completely and it will become a slurry being sent to a drying plant. Sand piles will be greatly reduced.

Chairman Guttilla asked if the sand will be trucked to a rail facility.

Attorney Duncan – Barge or rail facility.

Member Munson asked if it would be trucked on Rt. 80.

Attorney Duncan – yes.

Member Chapman asked if the sand would be covered with a tarp when being moved?

Mr. Hodges – yes.

Chairman Guttilla asked if the sand will be trucked north on Rt. 178 / E. 8th Rd.

Attorney Duncan stated that the sand would be trucked on Rt. 80 to north Rt. 39.

Member Fry asked if the company would be able to yield a reasonable return without a height variance.

Mr. Hodges stated that by enclosing the equipment it will make the process more efficient.

Member Munson asked if this would address the lighting issues for the residents.

Mr. Hodges – yes, the lighting will now be reduced to that which will light the path for employee safety. This will also reduce noise by eliminating the need for heavy end loading equipment 24 hrs. per day as well as by enclosing the pumps.

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Chairman Guttilla then asked if anyone had any questions for the Petitioner.

Mr. Kelly Dempsey asked several questions regarding noise, lighting and the reduction of blowing sand.

Mr. Hodges answered these questions; he stated that by enclosing the structure, the noise levels would be reduced. The lighting would be reduced and only required for safety of employees. He also stated that there are no plans to store sand piles therefore reducing the issue of blowing sand.

Mr. Dempsey also asked if the vents in the drawing were at the correct height on the enclosure.

Mr. Hodges stated that the drawing was only an architectural rendition so it would depend on the equipment and the overall structure for placement and size of the vents.

Mr. Dempsey then asked if the enclosure would be taxable to the Village.

Attorney Klein stated that Northern White Sand, LLC. Does pay real estate taxes.

Mr. Dave Siverson, 1124 2803rd Rd., asked questions regarding reduction of sand dust and the estimated completion of the enclosure.

Mr. Hodges stated that it will be a wet process and they will not be stock-piling sand and they hope to complete the enclosure by May or June of 2018.

Chairman Guttilla then asked if anyone would like to speak in favor of the Petition.

Hearing none;

Chairman Guttilla then asked if anyone would like to speak in opposition of the Petition.

Mr. Dempsey then read a brief statement. He stated that he does not oppose the petition in the way it has been presented.

Engineer Heitz then stated that he had reviewed the Petition for a height variance.

The Village had approved a height variance for Unimin Corp. of 190 ft. Enclosing this equipment would provide safety to employees and produce a net benefit to the surrounding property owners regarding noise, lighting and the reduction of sand storage.

Mrs. Mary Whipple, 2880 E. 777th Rd, Utica also read a statement regarding the status and future projection of sand mining and fracking. She encouraged the Village to consider its' new comprehensive plan when making decisions and to be sure that sand companies would not truck their product going north on E. 8th Rd.

Mr. Bill Stack, 930 N. 33rd Rd, Waltham Twp. also commented on traffic along Rt. 6 and Rt. 178. This is a heavily traveled area.

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Attorney Klein stated that in 2012 the company was granted a height variance of 75 ft. and a special use for mining. He also reminded everyone that while Northern White Sand has an annexation agreement with the Village, the county has jurisdiction over E. 8th Rd.

Mr. Hodges then stated that they currently have no plans to go north of Rt. 80.

Attorney Klein then stated that the Public Hearing is only for a height variance. There is an annexation agreement in place and they are required to follow Village Ordinance.

It was then motioned by Member Hamilton, seconded by Member Chapman to close the Public Hearing.

All in favor

Motion Carried

It was then motioned by Member Hamilton, seconded by Member Chapman to recommend approval of the height variance.

Attorney Klein then summarized the following factors to be considered:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.
2. The plight of the owner is due to unique circumstances.
3. A variation, if granted, will not alter the essential character of the locality.
4. The variance would not grant more relief than necessary to alleviate the alleged hardship.
5. The variance would not allow the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.
6. The variance would not increase the danger of fire or floods, endanger the public safety, or increase the need for repairs to roads, utilities, and other public facilities.
7. The variance would not result in a use or development of the subject lot that would not be in harmony with the general and specific purposes of this title or the general purpose and intent of the North Utica comprehensive plan.

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Discussion among Planning Commission:

Member Gift – “This meeting is for a height variance and this enclosure would benefit the surrounding property owners.”

Member Fry – “I intend to vote no; I believe that this does not meet the first factor regarding a reasonable return.”

Chairman Guttilla – “Enclosing the structure will make their process more efficient.”

Member Fry – “The economy is controlling their reasonable return, not a height variance.”

Chairman Guttilla – “A height variance that will allow them to enclose the structure will benefit the surrounding community.”

Member Munson - “Enclosing the structure is a key factor to their wet process however it should bring a benefit to their neighbors and I hope it does.”

With no additional comments, the clerk reminded the Planning Commission Members of the motion made:

It was motioned by Member Hamilton, seconded by Member Chapman to recommend approval of the height variance.

4 Yes (Gift, Hamilton, Munson, Chapman)

1 No (Fry)

Motion Carried

At 7:43 pm the court reporter left the meeting.

MINUTES: It was motioned by Member Munson, seconded by Member Hamilton to approve the Minutes from the 3-8-17 Planning Commission Meeting.

All in favor

Motion Carried

Old / New Business: Engineer Heitz provided an update of ongoing and future projects in the Village.

IDOT – Temporary traffic signals will be installed at the intersection of Rt. 6 & Rt. 178.

Public Hearing - A Public Hearing for Casey’s General Store will be held on 6-14-17. They are developing the southwest corner of Rt. 6 & Rt. 178; currently Starved Rock Market Place (Cattails).

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Member Fry excused himself from the meeting.

Ridgeview Subdivision – Mr. Tom Burgess is currently working on plans to continue the development of Ridgeview Subdivision.

Member Gift asked if a neighborhood park would be included; this is something that everyone has been waiting for in that subdivision. Currently there is nowhere for children to play and as a result many times they are playing on or near the road. A neighborhood park would provide those children with someplace to safely play.

Chairman Guttilla also agreed. This is something that was brought up during the initial development of Ridgeview however, there is still no allocated land for a park. It would be beneficial to have a park in that subdivision. We would like to see one platted for development.

Engineer Heitz stated that he and Mayor Stewart would reach out to Mr. Burgess and inform him of the Planning Commissions overall comments regarding the future development of a neighborhood park.

Member Gift then stated that he had heard about a project being done in Mendota. Northern Partners is currently painting their grain bins. This was recommended for Utica by the company that created the Comprehensive Plan.

Chairman Guttilla agreed. This is a very popular idea and many cities would like to have something like this done in their community. Maybe the Village can reach out to Northern Partners to see if they would be interested?

Mayor Stewart stated that if Chairman Guttilla could provide further information to him, he would reach out to Northern Partners to speak with them about the idea.

Public Comment: NONE

With no additional business, the meeting was adjourned at 8:02 pm. Motioned by Member Gift, seconded by Member Hamilton.

All in favor

Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk