

VILLAGE OF NORTH UTICA
801 S. Clark St., North Utica, IL 61373
Special Meeting of the Board of Trustees
August 23, 2018
www.utica-il.gov

AGENDA

- I. **7:15 p.m.** - Call to Order Special Village Board Meeting
- II. Pledge of Allegiance
- III. Roll Call

- IV. Attorney Report:
 - A. **Summary of Petition of Christy Donahue and Willow Tree Lane, LLC**, as owner, seeking approval of a Special Use permit, and a text amendment to the Zoning Ordinance to operate a vacation dwelling rental, such as an Airbnb, on property located at 229 S. Clark St., Utica, IL, which is currently zoned C-2, and seeking such relief as necessary to grant intended relief for Petition.

 - B. Consideration and Possible Action on Ordinance(s) regarding the Petition of Christy Donahue and Willow Tree Lane, LLC for property located at 229 S. Clark St., Utica, IL., including but not limited to:
 1. Amendment of Section 10-2-2 of the Zoning Code to define a lodging house as a building where lodging is provided for compensation to one or more individuals, including daily or transient guests; or alternatively, add a definition to allow a vacation dwelling rental;
 2. Granting of a Special Use to operate a lodging house on said property pursuant to Section 10-8B-3 of the Zoning Code; or alternatively, the amendment of Section 10-8B-3 to allow vacation dwelling rentals as a Special Use and granting of a Special Use to this Petitioner;
 3. Such other relief as necessary to allow the operation of a vacation dwelling rental, such as an Airbnb, or other type of lodging at said location.

 - C. **Summary of Petition of Jeff and Katie Sobkowiak**, owners of a tract of land located at 711 Arrowhead Dr., Utica, IL, seeking an amendment and a Variance to the Village of North Utica Zoning Ordinance provisions regarding the construction of a private garage in the R-1 District, Section 10.7A-4-1 of the Zoning Ordinance.

 - D. Consideration and Possible Action on Ordinance(s) regarding the Petition of Jeff and Katie Sobkowiak, for property located at 711 Arrowhead Dr., Utica, IL., including but not limited to:
 1. A Variance to allow not less than one thousand seven hundred and thirty-nine (1,739) sq. ft. in total area of garages and accessory structures;
 2. Such other relief and Variances as necessary to allow the intended construction.

 - E. **Summary of Petition of Waltham Elementary School District No. 185**, (hereinafter "District"), Owner of property located at 2902 IL Route 178, Utica, IL, currently zoned A-1, seeking a Zoning Amendment and Variances to the Village of North Utica Zoning Ordinance provisions regarding the construction of a new public elementary school.

 - F. Consideration and Possible Action on Ordinance(s) regarding the Petition of Waltham Elementary School District No. 185, for property located at 2902 IL Route 178., Utica, IL., including but not limited to:
 1. The District seeks a map amendment so that the Subject Property will be zoned C-2 General Commercial District, where public institutional uses like an elementary school are permitted. Alternatively, if a map amendment is denied, the District seeks a Special Use Permit to construct and operate a public School at the site;

VILLAGE OF NORTH UTICA
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Special Meeting of the Board of Trustees
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2. In connection with the map amendment, the District seeks certain variances pursuant to Section 10-3-3 of the Zoning Code. The following variances are sought:
 - a.) In the C-2 Zoning District, the max building height is 35' but the planned school is 35' 6". Accordingly, the District seeks a variance as to building height to construct a building that is 35' 6".
 - b.) Any required planting would be done after construction is complete. The District seeks a variance to omit the required planting at this time.
 - c.) Due to the nature of the structure, the District is seeking a variance to allow for 9' 0" parking stalls instead of the 10' 0" parking stalls required.
 - d.) The District is seeking a variance from the maximum front yard set-back. The current maximum is 50', but the District seeks a max set-back of 272.8'.
3. Such other amendments, variances, and / or other relief as may be necessary to allow the intended construction.

- G. **Summary of Petition of Jerome A. and Sheryl L. Kurtz**, Owners of property located at 702 Burgess Dr., Utica, IL, zoned R-1, seeking an amendment and a Variance to the Village of North Utica Zoning Ordinance provisions regarding construction of a private garage in the R-1 District;
- H. Consideration and Possible Action on Ordinance(s) regarding the Petition of Jerome A. and Sheryl L Kurtz, for property located at 702 Burgess Dr., Utica, IL., including but not limited to:
- a.) Granting of a Variance to allow the maximum floor area of all garages to exceed 1,200 sq. ft.;
 - b.) Such other relief as necessary to allow the intended use.

V. Village Clerk

VI. Village Treasurer

VII. Consent Agenda: Consideration and Possible Action on the following items:

- a) Starved Rock Runners Annual Canal Connection Race 11-4-18 10 am
- b) Donation to Starved Rock Runners Canal Connection Race \$250
- c) Final Annual Pork Fest Event Budget

VIII. Finance Liaison:

- 1.) Consideration and Possible Action regarding payment of Invoices submitted from Chamlin Engineering for the Johns St. – Hitt St. project: \$22,014 and \$6,972 respectively.

IX. Donations / Advertising / Event Requests- Consideration and Possible Action on:

- 1.) NCICG Economic Development District Annual Local Share Grant Matching - 2018- 2019 \$500
- 2.) Heritage Corridor Travel Magazine
 - a) Request of an Advertisement in 2018 – 2019 Publication
- 3.) IVCH Foundation
 - a) Request of a donation toward expenses for their annual Golf Scramble being held on 9-14-18 at Senica's Oak Ridge Golf Club
- 4.) Illinois Valley Pads Shelter

VILLAGE OF NORTH UTICA
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August 23, 2018
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- a) Request of a donation toward expenses to provide local services
- 5.) Utica American Legion Annual Veterans Parade being held on 11-4-18
 - a) Road Closure of IL. Rt. 178 from the Village Hall to the I & M Canal Bridge from 12:45 pm – 2:15 pm – Resolution R18-03
 - b) Road Closure of Mill St. from Canal St. to Church St. from 12:45 pm – 2:15 pm
 - c) Request of a donation toward expenses from the event

- X. Governmental Affairs Liaison:
 - 1.) General updates on UBA

- XI. Park & Recreation Liaison
- XII. Streets, Lights & Alleys Liaison
- XIII. Police Department Liaison
- XIV. Water / Sewer Liaison

- XV. Building / Zoning Enforcement Officer
- XVI. Maintenance Department/ Public Works Director
 - 1.) Update - Ongoing projects in the Village
 - 2.) Update – Status Lincoln St. Drainage
 - 3.) Update – Schedule for Florence Dr. Project

- XVII. Village Engineer
 - 1.) Update – Ongoing projects in the Village
 - 2.) Update – IDOT IL. River Bridge Project
 - 3.) Update - Status of the John St. / Hitt St. Project

- XVIII. Village President

- XIX. Committees / Trustees
 - 1.) Committee Assignment updates
 - 2.) Trustee Reports

- XX. Public Comment

- XXI. Executive Session
 - 1.) The appointment, employment, compensation, discipline, performance or dismissal for specific employees
 - 2.) Pending Litigation
 - 3.) Purchase/Sale/Lease of Real Property

- XXII. Possible Action regarding Executive Session items
 - 1.) The appointment, employment, compensation, discipline, performance or dismissal for specific employees
 - 2.) Pending Litigation
 - 3.) Purchase/Sale/Lease of Real Property

- XXIII. Adjournment

Posted 08-21-18

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801 S. Clark St., North Utica, IL 61373
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MINUTES

At 7:50 pm the meeting was called to Order by Village President David Stewart who then led the Pledge of Allegiance. Village Clerk Laurie Gbur called the meeting attendance. Present at the meeting were Trustees Debbie Krizel, Mary Pawlak, Jim Schrader, John Schweickert, Joe Bernardoni and Ron Pawlak. Also present was Village Attorney Herb Klein and Village Engineer Kevin Heitz.

Attorney's Report: Attorney Klein provided a summary of the Petition of Christy Donahue and Willow Tree Lane, LLC as follows:

Ms. Donahue, owners of the property, are seeking approval of a Special Use permit, and a text amendment to the Zoning Ordinance to operate a vacation dwelling rental, such as an Airbnb, on property located at 229 S. Clark St., Utica, IL, which is currently zoned C-2, and seeking such relief as necessary to grant intended relief for Petition.

The Petition was considered by the Planning Commission earlier in the evening on 8-23-18. The Planning Commission unanimously recommended approval of a Variance to allow the owner to reside off premises as well as a Special Use to allow the operation of a Bed & Breakfast (B & B) on property located at 229 S. Clark St., Utica, IL. It was noted that the recommendation was based on the Special Use not being transferrable. The Planning Commission viewed this as a special circumstance due to the fact that they have another business on the property and someone will be managing the property on a daily basis.

After a brief discussion, it was motioned by Trustee Schweickert, seconded by Trustee Schrader to approve a Variance to allow a B & B to operate on property located at 229 S. Clark St., Utica, IL., without an owner residing on the property.
ORD 2018-24

It was then motioned by Trustee M. Pawlak, seconded by Trustee Schrader to approve a Special Use for the operation of a B & B on property located at 229 S. Clark St., Utica, IL. ORD 2018-25.

6 Yes

Motion Carried

Attorney Klein then provided a summary of the Petition of Jeff and Katie Sobkowiak as follows:

Mr. and Mrs. Sobkowiak are seeking Variances for property located at 711 Arrowhead Dr., Utica, IL., including but not limited to:

1. A Variance to allow not less than one thousand seven hundred and thirty-nine (1,739) sq. ft. in total area of garages and accessory structures;

The Planning Commission unanimously agreed to recommend approval of the Variance.

After a brief discussion, it was motioned by Trustee Bernardoni, seconded by Trustee Krizel to approve a Variance to allow for the construction of not less than 1,739 sq. ft. in total garage space. ORD 2018-26

6 Yes

Motion Carried

Trustee R. Pawlak reminded Mr. Sobkowiak that compliance with subdivision covenants would be up to him. Mr. Sobkowiak agreed and stated that he had already reviewed the covenants and he is in compliance.

VILLAGE OF NORTH UTICA
801 S. Clark St., North Utica, IL 61373
Special Meeting of the Board of Trustees
August 23, 2018
www.utica-il.gov

MINUTES

Attorney Klein provided a brief summary of the Petition of Waltham School District No. 185., 2902 IL Rt. 178, Utica, IL.,

1. The District seeks a map amendment so that the Subject Property will be zoned C-2 General Commercial District, where public institutional uses like an elementary school are permitted. Alternatively, if a map amendment is denied, the District seeks a Special Use Permit to construct and operate a public School at the site;
2. In connection with the map amendment, the District seeks certain variances pursuant to Section 10-3-3 of the Zoning Code. The following variances are sought:
 - a.) In the C-2 Zoning District, the max building height is 35' but the planned school is 35' 6". Accordingly, the District seeks a variance as to building height to construct a building that is 35' 6".
 - b.) Any required planting would be done after construction is complete. The District seeks a variance to omit the required planting at this time.
 - c.) Due to the nature of the structure, the District is seeking a variance to allow for 9' 0" parking stalls instead of the 10' 0" parking stalls required.
 - d.) The District is seeking a variance from the maximum front yard set-back. The current maximum is 50', but the District seeks a max set-back of 272.8'.

The Planning Commission recommended approval of a Variance for a map amendment changing the zoning to C-2. The Planning Commission was not unanimous in their decision regarding recommending approval of the additional Variances requested. (4 Yes / 3 No and the motion carried for approval of the Variances for height, setback, parking and planting)

The Variance for 9' parking spaces was then discussed by the Board.

It was noted by Attorney Klein that the Planning Commission had issues with the parking size being requested. They felt that there are a lot of large vehicles in the community and 9' parking places would not be large enough. Safety was also discussed regarding the entrance to the school, however IDOT has issued a permit for such and UFPD has no objection to the location of the entrance. A School Zone sign will be installed as well.

Trustee Bernardoni stated that he supports the school, but was very concerned that a cafeteria was not part of the new school building. He also stated that 75% of the kids are coming from Utica, so why isn't Utica part of the name of the school? "It will be located in Utica, and since most of the kids come from Utica, the name should be changed."

Trustee M. Pawlak stated that the Village Board was told that there was no longer a 'Utica School District' anymore however, she agreed with Trustee Bernardoni that the name of the School should be changed to include Utica.

Trustee Bernardoni also stated that he was rather surprised that there had been no contact from the School Board.

"The Village is paying a lot toward this new school but the Village wasn't contacted on the plans and Waltham seems to be benefiting the most."

Attorney Klein reminded the Board that the Public Hearing is over therefore the Board can only discuss the Variances being sought by the School District for the construction of the school.

Trustee R. Pawlak stated that he does not like the size of the parking spaces that they are considering. "9' seems too small."

Attorney Klein stated that the Village Engineer thought that a compromise of 9 ½' parking stalls could also be considered.

VILLAGE OF NORTH UTICA
801 S. Clark St., North Utica, IL 61373
Special Meeting of the Board of Trustees
August 23, 2018
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MINUTES

It was then motioned by Trustee Schweickert, seconded by Trustee Schrader to approve a Variance for a map amendment changing the zoning to C-2. ORD 2018-27

6 Yes
Motion Carried

It was then motioned by Trustee Schweickert, seconded by Trustee Krizel to approve Variances as follows: ORD 2018-28

- A. Height Variance of 35'6"
- B. Setback Variance of 272.8'
- C. Variance for Omission of the Planting requirement

6 Yes
Motion Carried

Parking was then further discussed and it was motioned by Trustee M. Pawlak, seconded by Trustee Schrader to Deny the Variance for 9' parking stalls.

3 Yes (M. Pawlak, R. Pawlak, Schrader)
3 No (Krizel, Schweickert, Bernardoni)
1 No Mayor Stewart broke the tie.
Motion Carried

It was then motioned by Trustee Bernardoni, seconded by Trustee Schweickert to approve the Variance for 9' parking stalls. ORD 2018-29

3 No (M. Pawlak, R. Pawlak, Schrader)
3 Yes (Krizel, Schweickert, Bernardoni)
1 Yes Mayor Stewart broke the tie.
Motion Carried

**Mayor Stewart stated that because the Village Hall has 9' parking stalls he would approve a Variance to allow the school to have the same.

Attorney Klein then provided a summary of the Petition of Mr. Jerry Kurtz.
Mr. Jerry Kurtz, 702 Burgess Dr., Utica, IL, is seeking a Variance as follows:

1. A Variance to allow the maximum floor area of all garages to exceed 1,200 sq. ft.;

The Planning Commission unanimously recommended approval of the Variance to allow for the construction of an attached garage to exceed 1,200 sq. ft.

It was motioned by Trustee Schweickert, seconded by Trustee Schrader to approve a Variance to allow the construction of an attached garage that will exceed the 1,200 limit of total garage space. ORD 2018-30

6 Yes
Motion Carried

VILLAGE OF NORTH UTICA
801 S. Clark St., North Utica, IL 61373
Special Meeting of the Board of Trustees
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MINUTES

Consent Agenda: It was motioned by Trustee Schweickert, seconded by Trustee Krizel to approve the Consent Agenda as follows:

1. Starved Rock Runners Annual Canal Connection Race 11-4-18 10 am
2. Donation to Starved Rock Runners Canal Connection Race \$250
3. Pork Fest Expenditure not to exceed \$40,000

6 Yes

Motion Carried

**Note: Pending additional charges and credits that have not yet been received, the final Pork Fest expenditures and Revenue have not yet been determined.

Village Clerk: NONE

Village Treasurer: NONE

Finance Liaison: It was motioned by Trustee Schweickert, seconded by Trustee Bernardoni to approve the payment of invoices in the amount of \$22,014 and \$6,972 respectively, to Chamlin & Associates.

6 Yes

Motion Carried

Donations / Advertising / Event Requests:

It was motioned by Trustee Schweickert, seconded by Trustee Krizel to approve a \$500 donation to NCICG for their annual Grant Matching for 2018-2019.

6 Yes

Motion Carried

It was then motioned by Trustee Schweickert, seconded by Trustee Krizel to approve a \$50 donation to IVCH for their golf outing being held on 9-14-18.

6 Yes

Motion Carried

It was then motioned by Trustee Schweickert, seconded by Trustee Krizel to approve a \$500 donation to Illinois Valley Pads Shelter toward their expenses to provide local services.

6 Yes

Motion Carried

It was then motioned by Trustee Schweickert, seconded by Trustee M. Pawlak to approve a Resolution for the purpose of closing Rt. 178 from 12:45 pm – 2:15 pm for the annual Utica American Legion Veteran's Parade being held on 11-4-18. R18-03

6 Yes

Motion Carried

It was then motioned by Trustee Schweickert, seconded by Trustee M. Pawlak to approve the closing of Mill St. from Canal St. to Church St. from 12:45 pm – 2:15 pm for the purpose of the annual Utica American Legion Veteran's Parade being held on 11-4-18. R18-03

6 Yes

Motion Carried

VILLAGE OF NORTH UTICA
801 S. Clark St., North Utica, IL 61373
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It was then motioned by Trustee Schweickert, seconded by Trustee M. Pawlak to approve a donation in the amount of \$6,000 to Utica American Legion toward expenses for the annual Veteran's Parade.

6 Yes

Motion Carried

Mayor Stewart asked the Village Board if they would like to participate in the Veteran's Parade this year. Everyone agreed that it would be a great idea to participate again.

The item regarding advertising in the Heritage Corridor was tabled pending further information from the UBA regarding their participation in the same advertising magazine. Motioned by Trustee Schweickert, seconded by Trustee M. Pawlak.

All in Favor

Motion Carried

Governmental Affairs Liaison: Trustee Krizel stated that the UBA will share in the cost of the trolley for the Xmas in the Village weekend as well as sharing in the cost of the Horse and Carriage rides. It was motioned by Trustee Schweickert, seconded by Trustee Krizel to approve an expenditure in an amount not to exceed \$2,500 for expenses for the 2018 Xmas in the Village Event.

6 Yes

Motion Carried

Park & Recreation Liaison: NONE

Streets, Lights & Alleys Liaison: NONE

Water/Sewer Liaison: NONE

Police Department Liaison: Chief Damron informed the Board that signage was installed by IDOT at the intersection of Rt. 6 & Rt. 178 to alert traffic to No passing being allowed on the shoulder of the road.

Building/Zoning Enforcement: NONE

Maintenance Department: Public Works Director Curt Spayer provided an update of the ongoing projects in the Village. Lincoln St. Drainage – almost complete, final grading to be done.

Florence Dr. Project – begins on 8-27-18. Mayor Stewart stated that he contacted the residents in the project area to alert them to keep vehicles off the road.

Engineer Heitz stated that this will inevitably be a future project because the asphalt won't hold up. It may be something the Village will need to concrete.

Engineer's Report: Village Engineer Heitz provided an update of the ongoing projects in the Village.

Johns St. / Hitt St. Project – "The project is coming together; we have had a good relationship with the local businesses in the area and appreciate that they have worked with us to continue the project."

President's Report: Mayor Stewart thanked everyone for their help and participation with the Pork Fest. It was a great community event.

VILLAGE OF NORTH UTICA
801 S. Clark St., North Utica, IL 61373
Special Meeting of the Board of Trustees
August 23, 2018
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MINUTES

Committee / Trustee Reports:

Trustee R. Pawlak asked when something would be done about the area behind Duffy's. The owner was supposed to close in the stairs and remove the building materials from the property over 3 or 4 years ago. Trustee Schweickert stated that he will contact the owner and discuss it with him.

Public Comment: NONE

Executive Session: NONE

Adjournment: It was motioned by Trustee Schrader, seconded by Trustee Bernardoni to adjourn the meeting at 8:48 pm.
All in Favor
Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk