

VILLAGE OF NORTH UTICA
248 W. Canal St, North Utica, IL 61373
Planning Commission Meeting
October 6, 2022
www.utica-il.gov

AGENDA

- I. **5:30 p.m.** - Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. **5:30 Public Hearing:**
 1. For the purpose of Considering and hearing Testimony regarding the Petition of Karen L. Starks, Owner, a/k/a “Western Cattle Company”, and / or “Factory Outlet”. This matter was referred back to the Planning Commission by the Village Board for further Public Hearing, as the Petitioner no longer intends to provide grocery items. The Petitioner is now seeking a Special Use under the Village of North Utica Zoning Ordinance, to operate a retail business that will include the sale of packaged liquor. The property is generally located at 130 Mill St., Utica, IL 61373. The property is Zoned C-1.
 - A. It is proposed that the Petitioner be granted a Special Use under the Village of North Utica Zoning Ordinance, for the operation of a retail business that will include the sale of packaged liquor, on property located at 130 Mill St., Utica, IL 61373. The Property is Zoned C-1.
 2. Such other relief that is necessary to allow Petitioner’s intended use of the property.
- V. **6:00 Public Hearing:**
 1. For the purpose of Considering and hearing Testimony as to possible amendments regarding the Village of North Utica Zoning Ordinance at Section 10-15-1 et. seq., regarding Signs. The proposed changes under consideration include, but are not limited to:
 - a. Regulations regarding Definitions (10-15-2);
 - b. Regulations regarding Temporary Portable Signs (10-15-3F.2.e);
 - c. Regulations affecting Illuminated Signs (10-15-4A);
 - d. Regulations regarding Wall Business Signs (10-15-7C);
 - e. Regulations affecting Signs requiring a Special Use, including Advertising Signs, Billboards and Offsite Signage (10-15-8);
 - f. Regulations regarding Single Pole Banner Signs and Temporary Signs (10-15-9);
 - g. Any and all other amendments to Ordinances regulating Signs and Village Ordinances, necessary to effectuate any changes.
 2. Discussion and Possible Recommendations of the Planning Commission regarding such Hearing.
- VI. Consideration and Possible Action on Planning Commission Meeting Minutes: 08-25-2022
- VII. Old / New Business
- VIII. Public Comment
- IX. Adjournment

POSTED 10-04-2022

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MINUTES

At 5:41 pm the meeting was called to Order by Chairman Tom Guttilla who then led the Pledge of Allegiance. Village Clerk Laurie Gbur recorded the Meeting attendance. Present at the meeting were Planning Commission Members Doug Gift, Mike Brown and Andy Skoog. Also present at the meeting were Village Attorney Herb Klein, Village Engineer Kevin Heitz and Zoning Enforcement Officer Curt Spayer. Members Warren Munson, Dennis Hamilton and Bill Zens were absent from the meeting.

Attorney Klein provided a brief summary of the Petition of Karen L. Starks, Owner, a/k/a “Western Cattle Company”, and / or “Factory Outlet”. This matter was referred back to the Planning Commission by the Village Board for further Public Hearing, as the Petitioner no longer intends to provide grocery items. The Petitioner is now seeking a Special Use under the Village of North Utica Zoning Ordinance, to operate a retail business that will include the sale of packaged liquor. The property is generally located at 130 Mill St., Utica, IL 61373. The property is Zoned C-1.

Village Exhibit #1	Legal Notice of Public Hearing published on September 21, 2022
Petitioner’s Exhibit #1	Special Use Application

Attorney Klein explained that the Petition was referred back to the Planning Commission by the Village Board of Trustees, for further review. At the Village Board Meeting held on August 11, 2022, there was further clarification needed regarding the sale of food in an establishment having dogs on the premises. The Petitioners had stated previously that they bring their dogs to work with them during business hours. They breed and sell dogs and although they don’t sell dogs at the business, they bring them to the establishment to socialize them. They sell the dogs privately from their personal property. The LaSalle County Health Department provided clarification that the dogs would not be permitted in the establishment along with the sale of packaged food items. The Petitioner then amended the Petition to seek a Special Use for only the sale of packaged liquor and no longer intended to have food items for sale in the store.

Mr. Martens, son of Petitioner Karen L. Starks, was sworn in to provide Testimony.

Mr. Martens then stated that he agreed with the summary provided by Village Attorney Klein.

Mr. Martens stated that there are no requirements from the LaSalle County Health Department that are needed to sell packaged liquor. The owners intend to have packaged liquors available in the enclosed coolers and there will be no tastings allowed and no open containers allowed on the premises.

Mr. Martens also stated that they would not be seeking a Class A Liquor License for on premises consumption and they would not be seeking a Gaming License for the property.

Attorney Klein then reminded that Planning Commission that the Design Review of the property had been completed and approved at the Planning Commission Meeting held on July 26, 2022. The Village Board referred the matter back to the Planning Commission because the Petition had been amended by the Petitioner.

Member Brown asked Mr. Martens if he would allow the packaged liquor to be opened in the store.

Mr. Martens answered, “No; nothing will be available that can be opened in the store.”

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Chairman Guttilla asked Mr. Martens if they would still intend to keep their dogs in the store. Mr. Martens stated that the dogs would accompany them to the store each day and they would be taken home at the end of each day.

Mr. Martens stated that his family has owned the Western Cattle Company for more than forty years and it was common to have a dog in the store. They began bringing the dogs to the store as it is very important that the dogs are well-socialized before they are adopted out. He also stated that it is very important to them that they choose the right people to adopt the dogs and that they are looking for the best homes for them. They do not sell the dogs from the store. If someone wants to adopt a dog, that transaction takes place on their personal property.

Chairman Guttilla asked if the dogs would be contained in the store. Mr. Martens stated that the dogs will be behind an enclosed counter but if someone wants to see the dogs, they could come behind the counter. “We socialize them and they are very friendly dogs.”

Chairman Guttilla asked if someone could make arrangements to adopt a dog at that time. Mr. Martens stated that they require potential adopters to complete a thorough application and when the dogs are adopted, they require a Contract. He also stated that within the Contract there is a ‘Right of first refusal’ which provides for the dog to come back to them if the adopters can no longer keep it; the dogs do not end up at a shelter.

Chairman Guttilla asked Mr. Martens about the breeds of dogs that are available. Mr. Martens answered, “Mini - Australian Shepherds, Doberman Pinchers and a cross between Anatolian Shepherds and Great Pyrenees.

Member Skoog asked Mr. Martens if they are Licensed Breeders in the State of Illinois. Mr. Martens answered, “No, we aren’t large enough to be Licensed in Illinois.”

Chairman Guttilla asked if the dogs have Certificates of Breeding. Mr. Martens stated that the Mini – Australian Shepherds are UKC Registered, the Doberman Pinchers are AKC Registered and there is no registration of the Anatolian Shepherd/Great Pyrenees. Mr. Martens then stated that some of the dogs are professional service and therapy dogs in the local area.

Member Brown asked Mr. Martens how many dogs would be in the store at one time. Mr. Martens stated that two or three adult dogs would be in the store regularly and their puppies would be in the store for two to three months at different times throughout the year; a litter is four to six puppies.

Member Brown asked if the dogs would be left in the store overnight. Mr. Martens answered, “No; unless I need to be away for some time.”

Member Brown asked how many dogs are allowed in a building. Attorney Klein stated that in the Village Ordinance, not more than three dogs are allowed, except when there is a litter, which then allows for puppies to live on the premises for up to five months from birth. Mr. Martens stated that the dogs don’t live in the store.

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Member Skoog asked if the discussion among the Planning Commission should be regarding only the Special Use for packaged liquor.

Member Skoog then stated that from the beginning of the Special Use Application being submitted, the business has gone from a Western Store with food and liquor to an amended Petition for just the liquor, and to a possible pet store because they are going to be having several dogs on the property which wasn't mentioned in the original application.

Attorney Klein answered, "The Planning Commission is not considering whether the dogs should be allowed on the premises, but rather the Special Use for packaged liquor which is what the Petition was amended to. The property is located in the C-1 Zoning District and a Special Use is required to obtain a Village Liquor License for the sale of packaged Liquor."

Attorney Klein then asked Mr. Martens if they would be seeking a Special Use for a packaged Liquor License if there weren't any coolers on the property.

Mr. Martens answered, "No."

Member Gift asked if there would be any signage advertising liquor.

Mr. Martens stated that any signage for liquor would be inside the business only.

Chairman Guttilla asked if there was anyone present to speak in favor of the Petition; No one came forward.

Chairman Guttilla asked if there was anyone present who would like to speak in opposition of the Petition.

Village Board Trustee Debbie Krizel spoke in opposition of the Petition.

Trustee Krizel was sworn in to provide Testimony.

Trustee Krizel stated that although she appreciates the investment into the property that the owners are making, she is not in favor of issuing another Liquor License in the Village. She also stated that the Village needs to diversify and not issue a Liquor License to every business.

Chairman Guttilla asked if having a packaged Liquor License would allow them to request a Gaming License as well.

Attorney Klein stated that a Class A Liquor License is required to obtain a Gaming License; a packaged Liquor License does not provide for the consumption of Liquor on the premises and therefore would not allow for a Gaming License to be issued to the establishment.

Mr. Martens stated that they are not going to be seeking a Gaming License and they do not have any interest in a Liquor License that would allow open containers of alcohol in their store.

Member Gift asked if there are any packaged Liquor Licenses available.

Attorney Klein responded, "Yes."

Chairman Guttilla asked for any comments from the Village Engineer, Zoning Enforcement Officer and Police Chief.

Village Engineer Heitz asked Mr. Martens if the dogs will be left in the store overnight.

Mr. Martens answered, "If the dogs are at the store and we need to go somewhere, they will stay there until I get back, but only for short periods of time."

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With no additional comments or questions, the Public Hearing was closed at 6:10 pm; Motioned by Member Skoog, seconded by Member Brown.

All in Favor
Motion Carried

Attorney Klein provided a brief summary about the Findings of Fact to consider when considering a Special Use.

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.
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.

Member Brown then made a Motion to Deny the Special Use. Member Brown stated that a store that sells apparel and footwear along with packaged liquor doesn't seem to fit in the downtown area. The Motion was seconded by Member Skoog. Member Skoog agreed with Member Brown and stated that the Petition has changed throughout the process; they were going to have specialty food items and then they said that they were going to have dogs in the store regularly and now they only want to have liquor so it's changed several times; There is also a packaged liquor store located in the Village already.

2 Yes (Members Brown & Skoog)
1 No (Member Gift)
Motion Carried

The recommendation to the Village Board is to Deny the Special Use for property located at 130 Mill St., Utica in the C-1 Zoning District.

At 6:17 pm, the Public Hearing regarding the Village of North Utica Sign Ordinance began. Attorney Klein provided a brief summary of the Petition. The Planning Commission had continued the Hearing several times due to the large nature of the review to the Sign Ordinance, so the Village published for the Public Hearing again.

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The Planning Commission has been going through the Ordinance in sections and the group has decided on various recommendations for amendments to be made to each section within the Sign Ordinance. It was decided that the Planning Commission would begin discussing the section regarding off-premises signage.

Mayor Stewart reviewed the section regarding off-premises signage; he suggested that off-premises signage be allowed as a Special Use.

Village Board Trustee Debbie Krizel was sworn in to provide Testimony.

Trustee Krizel stated that she had attended an event hosted by North Central Illinois Council of Government (NCICG) and they had provided information about a Way-Finding Program that could help businesses through sign advertising.

Chairman Guttilla stated that the Village has Way-Finding Signs however, the signage is not specific to any one business, but rather it is information to get people to the areas of dining and other businesses.

The Planning Commission discussed billboard signage as a way to have several businesses advertise off-premises but to be able to maintain a clean look in the Village.

Member Brown stated that the Village offers a nice clean landscape through the community and too many signs would hurt the beauty and appearance of the Village.

Member Brown agreed that a single billboard sign could provide signage to businesses without cluttering up the Village with signs along every road; “We don’t want to see signs littering up the beauty of the Village.

Attorney Klein stated that there are requirements for billboard signage in the Village Sign Ordinance that currently allow for them to be placed in the C-3 and I-2 Zoning Districts, on unimproved properties and not closer than 1,000 ft. of another billboard.

Several options were discussed to allow off-premises signage on improved lots and to allow the billboard signs to be within 200 ft. of another billboard.

Member Gift stated that he would not want to see too many signs along Rt. 178 coming into the Village.

Chairman Guttilla stated that the existing Ordinance was designed to be able to limit the signage so that didn’t happen, so if the Village opens that up to allowing them on improved properties within 200 ft, that would definitely allow for more in the community. “We don’t want to open it up too much because that can become another problem.”

Member Brown agreed.

Mr. Martens stated that a unified billboard on I-80 that would let travelers know how far the ‘Historic Village of North Utica’ is after they get off of the interstate would be helpful.

Member Gift agreed that a sign to help travelers to be more inclined to get off of the highway and come into Utica is a good idea.

Discussion was held among the group about the maximum size of a sign, location and distance, sign content, lot size and zoning district.

Attorney Klein stated that if the Planning Commission wants to allow it as a Special Use in the C-3 District, specific perimeters need to be added into the language as well. The Village can regulate size, location but not content unless it is offensive or contains profanity.

Member Gift stated that he would rather be more restrictive with what is allowed.

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Pending further review regarding off-premises signage, the Public Hearing was continued to Thursday, October 27, 2022 at 6:00 pm. Motioned by Member Brown, seconded by Member Skoog.

All in Favor
Motion Carried

Minutes: It was motioned by Member Skoog, seconded by Member Brown to approve the Minutes from the August 25, 2022 Planning Commission Meeting as presented.

All in Favor
Motion Carried

Public Comment: NONE

With no additional business, the meeting was adjourned at 6:53 pm; Motioned by Member Gift, seconded by Member Skoog.

All in Favor
Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk