

VILLAGE OF NORTH UTICA
248 W. Canal St, North Utica, IL 61373
Planning Commission Meeting
April 27, 2023
www.utica-il.gov

AGENDA

- I. **6:00 p.m.** - Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. **6:00 - Public Hearing:**
 1. For the purpose of considering and hearing Public Comment and Testimony as to possible amendments to the Village of North Utica Zoning Ordinance regarding shipping containers, as proposed by the Village; The proposed amendments to be discussed at said Hearing include the following:
 - A. Consideration of amending the Definition of Section of Title 10, Chapter 2, regarding shipping containers;
 - B. Consideration of amending the Special Use Sections of all Village of North Utica Zoning Districts regarding the location and permanent use of shipping containers;
 - C. Consideration of such other amendments to the Village of North Utica Zoning Ordinance as are necessary and in the best interest of the Village regarding this matter.
 2. Discussion and Possible Recommendations of the Planning Commission regarding such Hearing.
- V. **6:15 - Public Hearing:**
 1. For the purpose of considering and hearing Testimony regarding the Petition of 71178 Corner, LLC and Manager, Benjamin Ruiz (“Petitioner”) of property located at 799 E. IL Route 71, Oglesby, IL 61348. Petitioner is seeking a Special Use under the Village of North Utica Zoning Ordinance, Section 10-8C-3, to construct an addition to the current structure, utilizing shipping containers, to add a kitchen and additional restrooms. The property is zoned Commercial C-3 (Highway Commercial District)
 - A. It is proposed that the Petitioner be granted a Special Use (Section 10-8C-3), for property located at 799 E. IL Route 71, Oglesby, IL 61348, to construct an addition to the current structure, utilizing shipping containers, to add a kitchen and additional restrooms. The property is zoned Commercial C-3 (Highway Commercial District)
 - B. Such other relief that is necessary to allow the Petitioners’ intended use of the property.
 2. Discussion and Possible Recommendations of the Planning Commission regarding such Hearing.
- VI. Consideration and Possible Action on Planning Commission Meeting Minutes: 03-23-2023
- VII. Old / New Business
- VIII. Public Comment
- IX. Adjournment

POSTED 04-21-2023

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MINUTES

At 6:07 pm the meeting of the Planning Commission was called to Order by Village Clerk Laurie Gbur who then led the Pledge of Allegiance. Village Clerk Gbur recorded the meeting attendance. Present at the meeting were Planning Commission Members Mike Brown, Andy Skoog, Mark MacKay, Warren Munson and Doug Gift. Also present were Village Attorney Herb Klein, Village Engineer Kevin Heitz and Public Works Director Curt Spayer. Chairman Tom Guttilla and Member Bill Zens were absent from the meeting.

It was motioned by Member Munson, seconded by Member Skoog to nominate Member Gift to Chair the meeting.

All in Favor
Motion Carried

The Public Hearing began at 6:09 pm. Attorney Klein provided a brief summary of the Public Hearing Notice as to possible amendments to the Village of North Utica Zoning Ordinance regarding shipping containers. The proposed amendments discussed at the Hearing, as proposed by the Village, included the following:

- A. Consideration of amending the Definition of Section of Title 10, Chapter 2, regarding shipping containers;
- B. Consideration of amending the Special Use Sections of all Village of North Utica Zoning Districts regarding the location and permanent use of shipping containers;
- C. Consideration of such other amendments to the Village of North Utica Zoning Ordinance as are necessary and in the best interest of the Village regarding this matter.

Village Exhibit #1 - Legal Notice published in the News-Tribune on April 12, 2023
Village Exhibit #2 - Documents; a handout including three pages of proposed amendments, definitions and rules

Discussion was held regarding shipping containers and their growing use and popularity in commercial construction.

Mayor David Stewart was sworn in to provide Testimony.

Mayor Stewart stated that approx. a year and a half ago, the Village approved a Special Use to allow a shipping container in the commercial business district for use by the outdoor seasonal Bier Garten development. At that time, we intended to require shipping containers as a Special Use in all Commercial Zoning Districts, however it wasn't included in the Ordinance. We would like to further define shipping containers and amend the Ordinance to include where they can be located as a Special Use.

Chairman Gift asked if the size of the shipping containers are something that also needs to be addressed in the Ordinance.

Zoning Enforcement Officer Spayer stated that the size and layout of the shipping containers would be addressed when considering the entire development or construction plan as a whole.

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Member Munson stated that in some areas throughout the United States, people are using shipping containers, truck bodies and other metal materials in their construction on their business properties.

Village Attorney Klein stated that the use of other materials in commercial construction and development is evolving however, the shipping containers that the Village is considering as a Special Use in the Commercial Zoning District would not include wheels; Mayor Stewart agreed.

Chairman Gift asked if anyone would like to speak in favor or opposition of the proposed amendments to the Village of North Utica Zoning Ordinance regarding shipping containers; There was no one present to speak in favor or in opposition of the proposed amendments and there were no additional questions.

With no additional discussion, the Public Hearing was closed at 6:13 pm; Motioned by Member Brown, seconded by Member Skoog.

All in Favor
Motion Carried

It was motioned by Member Skoog, seconded by Member Brown to recommend approval of the proposed amendments to the Village of North Utica Zoning Ordinance regarding defining shipping containers in the Ordinance and adding them as a Special Use to the R-2 and R-3 Zoning Districts, and all Commercial Zoning Districts; C-1, C-2 and C-3

4 Yes
Motion Carried

At 6:15 pm, the Public Hearing began for the Petition of 71178 Corner, LLC and Manager, Benjamin Ruiz (“Petitioner”). Attorney Klein provided a brief summary of the Petition. The property is located at 799 E. IL Route 71, Oglesby, IL 61348. The Petitioner is seeking a Special Use under the Village of North Utica Zoning Ordinance, Section 10-8C-3, to construct an addition to the current structure, utilizing shipping containers, to add a kitchen and additional restrooms. The property is zoned Commercial C-3 (Highway Commercial District)

Village Exhibit #1 - Legal Notice published on April 12, 2023

Petitioner’s Exhibit #1 - Special Use Application along with several drawings and images

Attorney Klein further explained that in June 2022, the Village of North Utica entered into a Pre-Annexation Agreement with 71178 Corner, LLC. The property, approx. 3.1 acres, is not contiguous yet however, when it does become contiguous, the property will be annexed into the Village. The Pre-Annexation Agreement requires that the property falls under the Village of North Utica zoning.

Mr. Ben Ruiz was sworn in to provide Testimony.

Mr. Ruiz stated that he would like to add on to the existing bar. He explained that they need a kitchen that they can operate year round as currently they are utilizing a food truck to prepare food. The use of shipping containers in new construction offer versatility and a unique look. In addition to a kitchen, restrooms and a small office space will also be added on the property.

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Chairman Gift asked about Mr. Ruiz if he plans to paint the containers so that they won't have the appearance of shipping containers.

Mr. Ruiz stated that he will be painting the containers and the colors will all blend together and look uniform.

Member Brown asked how many containers will be used in the construction.

Mr. Ruiz answered, "Three or four containers; there will be two containers that will be 20' long and up to two containers that will be 40' long".

Mr. Ruiz explained that there is a surplus of shipping containers in the United States. Items get shipped to the U.S. and they don't take back the containers so this is a way that we are able to repurpose them.

Member Skoog asked if the existing white building we be removed from the property.

Mr. Ruiz answered, "Yes".

Member MacKay asked if the containers will be stacked and how they will be supported.

Mr. Ruiz stated that he plans to stack up to two containers and they will be supported by concrete pilons; The bottom container will be supported by the concrete pilons and the top container will be supported by the bottom container.

Zoning Enforcement Officer Spayer asked where the containers and new construction will be located on the property.

Mr. Ruiz stated that the current building will be removed and the new construction will be located in the same area.

Mr. Ruiz also stated that a new septic system will be installed near the trees on the property.

Member Skoog asked if the entrance will be located in the same place as the existing entrance.

Mr. Ruiz answered, "Yes".

Member Brown asked about the construction timeline.

Mr. Ruiz stated that he would like to have the construction completed within 6 months however, this will depend on how soon he can get the materials on-site.

Member Brown asked Mr. Ruiz if he is hopeful that construction could be finished by December.

Mr. Ruiz answered, "Yes, but I hope that we can get everything done earlier than that".

Chairman Gift asked if anyone would like to speak in favor or opposition of the Petition; There was no one present.

Chairman Gift asked Zoning Enforcement Officer Spayer if he had any questions or concerns regarding the Petition; Spayer answered "Not at this time".

Attorney Klein stated that Mr. Ruiz would need to obtain a Building Permit from the Village before he can begin any construction.

Attorney Klein also reminded the Planning Commission that they could recommend approval of the Special Use and make it subject to any reasonable conditions regarding colors, landscaping, etc.

At 6:33 pm the Public Hearing was closed; Motioned by Member Munson, seconded by Member Brown.

All in Favor

Motion Carried

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It was then motioned by Member Munson, seconded by Member MacKay to recommend approval of the Special Use for property located in the C-3 Zoning District at 799 E. IL Route 71, Oglesby, IL 61348, to construct an addition to the current structure, utilizing shipping containers, to add a kitchen and additional restrooms.

3 Yes (Skoog, Munson, MacKay)

1 No (Brown)

Motion Carried

Minutes: It was motioned by Member MacKay, seconded by Member Skoog to approve the Minutes from the 3-23-2023 Planning Commission Meeting, as presented.

All in Favor

Motion Carried

Old Business / New Business: Village Engineer Heitz stated that there will be an upcoming Public Hearing for some property located behind the Antique Mall located on Division St. The property was purchased by the owners and it is a long parcel of property with an existing home located on W. Church St. The back portion of that yard is vacant and the property owner would like to rezone that area so that they can extend their business by constructing a deck and a patio area on the back of the Antique Mall so that customers can enjoy the nice weather by sitting outside and having a glass of wine.

Public Comment: Ms. Lori Hughett and Ms. Jill Ohlendorf, residents and property owners of villa units located at Grand Bear Resort, spoke to the Planning Commission about the overnight rental program. Ms. Hughett explained that she would like the Village to offer a License to property owners at the Resort who would like to rent out their Unit themselves without having to go through the Rental Pool. Currently the Village offers only one License for the entire Resort, which is issued to the owners of Grand Bear Lodge. The property owners are not licensed to rent out their unit unless they go through the Grand Bear Rental Pool. Ms. Hughett shared some information about the Rental Pool Agreement that is offered to the property owners. She also shared some information regarding the construction to rebuild the units that were part of the Fire in May 2022.

Member Munson stated that there is an original Annexation Agreement in place between the Village and the owner of the Grand Bear Lodge.

Ms. Hughett stated that she believes the Village should allow the property owners to rent out their own property. She stated that the property owners can't make any money if they are going through the Rental Pool. Chairman Gift then explained to Ms. Hughett that this is not a matter for the Planning Commission.

Ms. Hughett asked if they could leave some information with the Planning Commission.

Chairman Gift answered, "Yes; but again this is not a matter that is before the Planning Commission".

Ms. Jill Ohlendorf provided copies of the Rental Pool Agreement, a document outlining their comments.

Ms. Ohlendorf then stated that the cost of Insurance has significantly increased due to the Fire in 2022. The HOA no longer wants to pay for that insurance and they want the property owners to pay for the insurance cost.

Ms. Ohlendorf then stated that the cost to rebuild the units that were burned down in the fire is over \$18 million dollars and they have been unable to get a cost estimate on the insurance because the units have not been rebuilt yet.

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Chairman Gift he is glad to see that the units are going to be rebuilt.

Ms. Ohlendorf stated that it is hard to go through the Rental Pool because the property owners can't make any money with the agreement that they are being offered.

Chairman Gift stated that the Village doesn't have any say in the terms of the Rental Agreement being offered to the property owners.

Chairman Gift then thanked the ladies for their comments.

With no additional Public Comment and no additional business for the Planning Commission, the meeting was adjourned at 6:57 pm. Motioned by Member Brown, seconded by Member Skoog.

All in Favor

Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk