

VILLAGE OF NORTH UTICA
248 W. Canal St, North Utica, IL 61373
Planning Commission Meeting
February 23, 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 Testimony regarding the Petition of Bruce & Ollies, LLC, an Illinois limited Liability Company (LLC) as Lessee, requesting a Special Use, and Ronald Kreiser, as Owner of the property, generally located at 2937 N. Route 178, Utica, IL 61373, in which the Petitioner is seeking a Special Use from the Village of North Utica Zoning Ordinance provisions regarding Signs (Title 10, Chapter 15).
 - A. It is proposed that the Petitioner be granted a Special Use under the Village of North Utica Zoning Ordinance Section 10-15-8A, to erect one (1) free-standing advertising sign on property generally located at 2937 N. Route 178, Utica, IL 61373, for the purpose of identifying their business, Bruce & Ollie's, LLC, located in downtown Utica.
 - B. Such other relief that is necessary to allow Petitioners' intended use of the property.
 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 James and Sabrina Didricksen, Owners of property generally located at 302 W. Lincoln St., Utica IL 61373. Petitioners are seeking the re-zoning of a portion of, or all of the property, to Commercial C-2 (General Commercial District) Zoning, and for the granting of any required re-subdivision of the property, and any necessary Special Uses, and / or Variances, to allow for the operation of a restaurant, a retail store, and the rental of bicycles. The property is currently zoned Residential R-1 (Single Family Residential).
 - A. It is proposed that the Petitioners be granted the re-zoning of a portion of, or all of the property, from Residential R-1 (Single Family Residential) to Commercial C-2 (General Commercial District) Zoning. The property is generally located at 302 W. Lincoln St., Utica, IL 61373.
 - B. It is proposed that the Petitioners be granted any required re-subdivision of property generally located at 302 W. Lincoln St., Utica, IL.
 - C. It is proposed that the Petitioners be granted any necessary Special Uses and / or Variances, to allow for the operation of a restaurant, a retail store, and the rental of bicycles on property located at 302 W. Lincoln St., Utica, IL.
 - D. Such other relief that is necessary to allow Petitioners' intended use of the property.
 2. Discussion and Possible Recommendations of the Planning Commission regarding such Hearing.

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VI. 6:45 Public Hearing:

1. For the purpose of Considering and hearing Testimony regarding the Petition of Jason Galvan and Aron Galvan, as Contract Purchasers of property from the Utica Marquette Building Corporation, Owners of property generally located at 500 Hitt St., Utica IL. Petitioners are seeking, upon Annexation of the property to the Village, the approval of re-zoning of the property to Commercial C-2 (General Commercial District) Zoning, and for the granting of a Special Use under Section 10-8B-3 of the Village of North Utica Zoning Ordinance, and necessary text amendments to the Zoning Ordinance to allow for the operation of a business on the property. The property is currently zoned Residential R-1(Single Family Residential).
 - A. It is proposed that the Petitioners be granted the following relief upon the Annexation of property, generally located at 500 Hitt St., Utica, IL, to the Village of North Utica. The property is currently zoned Residential R-1 (Single Family Residential)
 - a) Rezoning of the property from R-1 (Single Family Residential) to C-2 (General Commercial District) Zoning.
 - b) Special Use under Section 10-8B-3 of the Village of North Utica Zoning Ordinance to allow for the following uses: A restaurant with seating for more than 75 persons, recreation uses, place of amusement (arcade), commercial recreation center, and large retail store.
 - c) Amendments as necessary to the Village of North Utica Zoning Ordinance to define and allow as a Special Use, the operation of a commercial kitchen, botanical garden, event center, indoor farmers / flea market, amusement rides and apiary.
 - d) 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.

VII. Consideration and Possible Action on Planning Commission Meeting Minutes: 12-15-2022

VIII. Old / New Business

IX. Public Comment

X. Adjournment

POSTED 02-17-2023

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MINUTES

At 6:00 pm the meeting of the Planning Commission 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 Mike Brown, Warren Munson, Mark MacKay and Doug Gift. Also present were Village Attorney Herb Klein, Village Engineer Kevin Heitz and Public Works Director Curt Spayer. Members Bill Zens and Andy Skoog were absent from the meeting.

Public Hearing: At 6:05 pm Attorney Klein provided a brief summary of the Petition of Bruce & Ollies, LLC, an Illinois limited Liability Company (LLC) as Lessee, requesting a Special Use, and Ronald Kreiser, as Owner of the property, generally located at 2937 N. Route 178, Utica, IL 61373, in which the Petitioner is seeking a Special Use from the Village of North Utica Zoning Ordinance provisions regarding Signs (Title 10, Chapter 15). The Petitioner is seeking a Special Use under the Village of North Utica Zoning Ordinance Section 10-15-8A, to erect one (1) free-standing advertising sign on property generally located at 2937 N. Route 178, Utica, IL 61373, for the purpose of identifying their business, Bruce & Ollie's, LLC, located in downtown Utica.

Village Exhibit #1 - Legal Notice published on February 7, 2023
Village Exhibit #2 - Ordinance 2022-37; Amended Village of North Utica Sign Ordinance

Petitioner's Exhibit #1 - Special Use Application

Petitioners Matt and Jen Cetwinski, owners of Bruce & Ollie's, LLC, were sworn in to provide Testimony.

Mr. Cetwinski stated that they erected a sign on property owned by Mr. Kreiser, advertising their business located at 166 Mill St., in downtown Utica. The sign is intended to advertise their business as well as to help to guide travelers to the downtown area. The sign located on property near I V Fence & Pool was no longer being utilized because the former Tattoo Business closed, so they were able to lease the sign to put up their business sign advertising Bruce & Ollie's.

Mr. Cetwinski asked if the property is annexed into the Village or if it is still located in the County. Attorney Klein verified that the property was annexed into the Village and will require a Special Use.

Member Gift stated that in the past there has been some discussion regarding the Village putting up a large billboard style sign that would allow the businesses to be advertised. The goal would be to avoid having several signs, one after the other, along Rt. 178 coming into the downtown area.

Member Brown agreed; too many signs would take away from the look of the Village.

Chairman Guttilla stated that near Lincoln St. would be a good area to put a larger sign.

Member Gift agreed; it would be helpful to have one large sign that called attention to the downtown area and the businesses located in the Village.

Attorney Klein asked Mr. Cetwinski about the size of the sign.

Mr. Cetwinski stated that he believes the sign is under 4' X 4'.

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

Chairman Guttilla then asked if there was anyone present to speak in opposition of the Petition; there was no one.

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With no additional questions, the Public Hearing was closed at 6:19 pm. Motioned by Member Munson, seconded by Member Brown.

All in Favor
Motion Carried

Attorney Klein - Summary of the Findings Of Fact:

In considering all appeals, all proposed special uses, and a review by the zoning enforcement officer, the commission shall, before recommending that the Village Board grant a Special Use in a specific case, first determine and make findings of fact that the proposed 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.

It was then Motioned by Member MacKay, seconded by Member Brown to recommend that a Special Use be granted to the Petitioner, Bruce & Ollie's, LLC, to erect one (1) free-standing advertising sign, not to exceed 4' X 4' on property generally located at 2937 N. Route 178, Utica, IL 61373, for the purpose of identifying their business, Bruce & Ollie's, LLC, located in downtown Utica.

4 Yes
Motion Carried

This Petition will be considered by the Village Board of Trustees at the March 9, 2023 Board Meeting.

Public Hearing: At 6:22 pm, Attorney Klein then provided a summary of the Petition of Petition of James and Sabrina Didricksen, Owners of property generally located at 302 W. Lincoln St., Utica IL 61373. Petitioners are seeking the re-zoning of a portion of, or all of the property, to Commercial C-2 (General Commercial District) Zoning, and for the granting of any required re-subdivision of the property, and any necessary Special Uses, and / or Variances, to allow for the operation of a restaurant, a retail store, and the rental of bicycles. The property is currently zoned Residential R-1 (Single Family Residential).

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The Petitioners are seeking to be granted the re-zoning of a portion of, or all of the property, from Residential R-1 (Single Family Residential) to Commercial C-2 (General Commercial District) Zoning and any required re-subdivision of property generally located at 302 W. Lincoln St., Utica, IL, as well as to be granted any Special Uses and / or Variances, to allow for the operation of a restaurant, a retail store, and the rental of bicycles on the property.

Village Exhibit #1 - Legal Notice published on February 7, 2023

The Original Petition was amended by Mr. Didricksen. The Petitioners are James and Laura Didricksen; Sabrina Didricksen is deceased.

Petitioner's Exhibit #1 - Amended Petition including application(s) for Rezoning, Special Uses and Variances

Mr. James Didricksen was sworn in to provide Testimony.

Mr. Didricksen stated that he would like to have his property rezoned to commercial zoning to allow him to be able to operate a business on the property. He is seeking approval to open a small Hot Dog Stand on the property. The stand would be small and something that patrons could park and walk up to order and then sit and enjoy a Hot Dog as a family while sitting at a picnic table. Mr. Didricksen is also seeking approval to open a business for the rental / sale of E-Bikes. He stated that he would be working on the E-Bikes in his garage. He stated that he has lived in the community for a long time and would like to be able to stay. He intends to move the equipment that is existing on the property and paint the house and garage. Mr. Didricksen also stated that the property had been zoned as Commercial at one time. He added that when he purchased the property, he did so because it had been zoned Commercial and although it is currently zoned Residential, he believes that zoning it back to Commercial Zoning will provide him with the ability to operate a business on the property in the future.

Engineer Heitz stated that the property had not been previously zoned Commercial. The properties on the west side of Rt. 178 remained as Residential Zoning after the tornado.

Mr. Didricksen then stated that he would like to be able to utilize the property as it's meant to be since it was previously zoned Commercial and is abutting the Villages' Commercial Zoning District. Engineer Heitz stated that the property has been verified to have been zoned Residential.

Petitioner's Exhibit #2 - A hand-drawn sketch of the proposed layout of the businesses on the property

Chairman Guttilla asked Mr. Didricksen if he had contacted IDOT to inquire about utilizing the existing driveway off of Rt. 178 for traffic to enter and exit the property.

Mr. Didricksen stated that he had not spoken to IDOT; He wanted to start by finding out from the Village if his ideas are possible before going forward.

Chairman Guttilla asked Mr. Didricksen if he is going to have signage on the property to advertise the businesses.

Mr. Didricksen stated that he will have a sign but he hasn't yet considered the size or location for such. He stated that he will rely on word-of-mouth advertising for the business as he intends to begin the business in a very small capacity.

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Mr. Didricksen also spoke about the Utica Spice Co. located in downtown Utica. The business is owned and operated by Laura Didricksen in the former Towpath Collectibles Building located on Mill St.

Mrs. Didricksen is leasing the ground floor unit of the building. Mr. Didricksen stated that he will be selling and renting his E-Bikes at this location and he will work on and repair the bikes in the garage located on his property.

Chairman Guttilla asked where the Hot Dog Stand would be located on the Lincoln St. property.

Mr. Didricksen stated that he is considering one of two possible locations on the property; on an existing concrete pad or near the existing garage.

Mr. Didricksen then referenced the hand-drawn sketch of the proposed layout of the businesses on the property. He explained the two proposed locations for the Hot Dog Stand; numbers one (#1) and (#2) on the layout.

Attorney Klein asked Mr. Didricksen to clarify the areas on the layout that were numbered as #1 and #2. Mr. Didricksen stated that the location identified as number one (#1) would consist of a small lean-to style structure to be located on the existing concrete pad. He also indicated that the location identified as number two (#2) would consist of renovations to the existing garage to include a small Hot Dog Stand.

Chairman Guttilla asked Mr. Didricksen if he would like the rezoning to include the area on the property where the home is located.

Mr. Didricksen stated that he does not want to have this area rezoned unless it is necessary; He would rather that this area of the property remain residential zoning.

Member Gift stated that the property is in a location along Rt. 178 that looks like it could easily be considered as commercial zoning. It is located right along Rt. 178 and there is another road that intersects to take people into the downtown area.

Attorney Klein stated that if the property is rezoned to C-2 (Commercial Zoning District), a restaurant with seating up to 75 people and retail shops are a permitted use.

Engineer Heitz stated that the property is located in a flood plain. The current shed, in its' current location violates the setbacks and the property would need to be built up to meet the requirements of the FEMA – Zone A- Flood Plain regulations.

Mr. Didricksen stated that the concrete pad has been located on the property for several years.

Engineer Heitz stated that building a new structure in a flood plain requires certain setbacks and elevations.

Member Gift stated that since the property is located with direct access to the busiest road in the Village, he believes it should be rezoned as commercial property. Once the property is rezoned, the owner will need to meet the requirements of the building permit in order to build anything on the property.

Member Munson asked Mr. Didricksen if he would have seating available for customers of the Hot Dog Stand.

Mr. Didricksen stated that he intends to have a few picnic tables.

Member Munson then asked Mr. Didricksen if he had considered the safety aspect of the entrance and exit from the property; there is no line-of-sight when pulling out into traffic.

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Chairman Guttilla asked if there would be parking available.

Mr. Didricksen answered, “yes”.

Engineer Heitz stated that if the property is zoned commercial, there are requirements to provide a certain number of parking stalls.

Member Gift stated that the Planning Commission is considering the zoning of the property and construction and setbacks and parking are requirements that the owner would need to meet to have any commercial business on the property.

Chairman Guttilla stated that if the property is rezoned as a commercial property, another developer could come in and build something different on the property. Chairman Guttilla stated that the Planning Commission still needs to consider the specific use being proposed for the property; in this case it is a Hot dog Stand and a space for a business selling, renting or repairing E-Bikes.

Attorney Klein stated that there are several permitted uses in the C-2 Zoning District. If the property is rezoned to commercial, in this case C-2, then the developer or property owner is allowed to have a permitted business but still needs to follow Village Ordinances and the setbacks and building permit requirements. If a business is not listed as being permitted in the zoning district, they would need to Petition the Village seeking a Special Use.

Engineer Heitz stated that a detailed site plan would be needed to gather as much information as possible to be able to make an informed decision about rezoning the property for the Petitioner’s intended use. The site plan needs to be detailed with information about drainage, parking, access, elevation and setbacks.

Member Munson suggested that the Public Hearing be continued so that the Petitioner has some time to gather more information and to consider putting together a site plan.

It was then motioned by Member Munson, seconded by Member Brown to continue the Public Hearing for the Amended Petition of James and Laura Didricksen, 302 W. Lincoln St., Utica, until the March 23, 2023 meeting at 6 pm.

4 Yes

Motion Carried

At 7:27 pm, it was motioned by Member MacKay, seconded by Member Munson to recess for ten minutes.

All in Favor

Motion Carried

At 7:37 pm, it was motioned by Member MacKay, seconded by Member Gift to reconvene the meeting.

All in Favor

Motion Carried

Public Hearing: 7:37 pm; Chairman Guttilla recused himself from the Public Hearing.

It was motioned by Member Munson, seconded by Member Brown to nominate Member Gift as Chairman Pro-Tem for the Public Hearing and remainder of the meeting.

All in Favor

Motion Carried

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Attorney Klein provided a brief summary regarding the Petition of Jason Galvan and Aron Galvan, as Contract Purchasers of property from the Utica Marquette Building Corporation, Owners of property generally located at 500 Hitt St., Utica IL. Petitioners are seeking, upon Annexation of the property to the Village, the approval of re-zoning of the property to Commercial C-2 (General Commercial District) Zoning, and for the granting of a Special Use under Section 10-8B-3 of the Village of North Utica Zoning Ordinance, and necessary text amendments to the Zoning Ordinance to allow for the operation of a business on the property. The property is currently zoned Residential R-1(Single Family Residential).

The Petitioners are seeking to be granted the following relief upon the Annexation of property, generally located at 500 Hitt St., Utica, IL, to the Village of North Utica.

- a) Rezoning of the property from R-1 (Single Family Residential) to C-2 (General Commercial District) Zoning.
- b) Special Use under Section 10-8B-3 of the Village of North Utica Zoning Ordinance to allow for the following uses: A restaurant with seating for more than 75 persons, recreation uses, place of amusement (arcade), commercial recreation center, and large retail store.
- c) Amendments as necessary to the Village of North Utica Zoning Ordinance to define and allow as a Special Use, the operation of a commercial kitchen, botanical garden, event center, indoor farmers / flea market, amusement rides and apiary.

Village Exhibit #1 - Legal Notice published on February 7, 2023

Petitioner's Exhibit #1 - Petition including application(s) for Annexation of property, Rezoning, Special Uses and Variances and a list of proposed uses for the property.

Jason Galvan and Aron Galvan were sworn in to provide Testimony.

Mr. Galvan provided a power point slide presentation for the Planning Commission. Printed copies of the power point presentation were also distributed to the group.

Mr. Galvan stated that they intend to purchase the former Knight of Columbus (KC) property located at 500 Hitt St., Utica, IL.

Mr. Galvan presented several ideas for proposed uses for the property as follows:

- Botanical Garden / Greenhouse (Hoop Houses in the back of the property) along with a retail Garden Center. Botanical Gardens will include pergolas, pathways, hard landscape and a water feature; possibly a Koi pond.
- An indoor retail space such as a Tea Room.
- A Youth Center / Amusement Arcade and Game Area, including pool tables, ping pong tables, electronic games and board games.
- Pizzeria
- Rental of the existing commercial kitchen; including the rental for food preparation for food trucks.
- Event / Banquet Center for Weddings and other gatherings.
- Overnight short-term lodging accommodations; to be utilized by wedding parties, etc.

Petitioner's Exhibit #2 - Printed copies of the power point presentation

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Mr. Galvan then stated that the property is not currently annexed into the Village. They would like to Annex the property and rezone to Commercial Zoning. (C-2)

Mrs. Galvan stated that the property will be a ‘work in progress’ and will require a step-by-step approach to be fully completed.

Member Gift asked if there was anyone present to speak in favor of the Petition; There was no one.

Member Gift then asked if there was anyone present to speak in opposition to the Petition; There was no one.

The Public Hearing was closed at 8:03 pm; Motioned by Member Munson, seconded by Member MacKay.

All in Favor

Motion Carried

Attorney Klein - Summary of the Findings Of Fact:

In considering all appeals, all proposed special uses, and a review by the zoning enforcement officer, the commission shall, before recommending that the Village Board grant a Special Use in a specific case, first determine and make findings of fact that the proposed 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.

Attorney Klein asked the Petitioners if they still intended to have go karts on the property.

Mrs. Galvan stated that they were considering a number of possibilities but the plan will be more consistent with what has been presented in the slide presentation.

Engineer Heitz asked if the small rooms could be rented for short term overnight rental by anyone or if they would be utilized only by guests that are holding an event or wedding on the property.

Mr. Galvan stated that they had not discussed that yet.

Attorney Klein stated that the small rooms can not be rented or leased out as apartments but it could be used for short term overnight rentals in the C-2 District.

Attorney Klein asked if they will be having an Apiary on the property.

Mr. Galvan explained that he is interested in having Beehive Boxes and demonstrations on honey spinning.

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Member Munson asked the Petitioners what their initial plans are for the property as well as a timeline. Mrs. Galvan stated that they are hoping to be able to rent out the commercial kitchen and overall banquet space while they are working on the outside of the property. They will approach the project step-by-step until they complete their vision for the property; the timeline is approximately five years.

It was motioned by Member MacKay, seconded by Member Brown to recommend approval of the rezoning of the property to C-2 Commercial District upon annexation of the property, located at 500 Hitt St., Utica, IL 61373.

4 Yes
Motion Carried

It was then motioned by Member MacKay, seconded by Member Brown to recommend approval of defining a Banquet or Event Center as a Special Use in the C-2 Commercial Zoning District.

4 Yes
Motion Carried

It was then motioned by Member Brown, seconded by Member MacKay to recommend that a Special Use be granted for property located at 500 Hitt St., Utica, IL 61373 for the purpose of having a Banquet or Event Center as a commercial business on the property.

4 Yes
Motion Carried

This Petition will be considered by the Village Board of Trustees at the March 9, 2023 Board Meeting.

Minutes: It was motioned by Member Brown, seconded by Member MacKay to approve the minutes from the 12-15-2022 Joint Planning Commission & Board of Trustees Meeting as presented.

All in Favor
Motion Carried

Old Business / New Business: NONE

Public Comment: NONE

With no additional business, the meeting was adjourned at 8:11 pm. Motioned by Member Brown, seconded by Member MacKay.

All in Favor
Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk