

VILLAGE OF NORTH UTICA
248 W. Canal St, North Utica, IL 61373
Planning Commission Meeting
March 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 - Continued Public Hearing:**
 1. For the purpose of considering and hearing Testimony regarding the Petition of James and Sabrina Didricksen, as amended at the Public Hearing held on February 23, 2023, to the Petition of James and Laura 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.
- V. **6:30 Public Hearing:**
 1. For the purpose of considering and hearing Testimony regarding the Petition of Christopher (Chris) and Ann Duffy, and Starved Rock River & Trail Supply, LLC., as Petitioners and Owners of property generally located at 700 S. Clark St., Utica, IL 61373. Petitioners are seeking an amendment to the North Utica Zoning Code (Section 10-4-5B) to allow a Mobile Trailer to operate on the property for a commercial purpose and seeking a Special Use (Section 10-8B-3) regarding the operation of a Coffee Vendor / Trailer for customers, as a drive-thru or walk-up operation. The property is currently zoned Commercial C-2 (General Commercial District)
 - A. It is proposed that an amendment be made to the Village of North Utica Zoning Code (Section 10-4-5B) to allow a Mobile Trailer to operate for a commercial purpose as a Special Use in the C-2 District (General Commercial District)

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- B. It is proposed that the Village of North Utica Zoning Code (Section 10-2-2) be amended to add as a Defined Business, and as a Special Use in the C-2 District (General Commercial District) (Section 10-8B-3), the operation of a Coffee Vendor / Trailer for customers, as a drive-thru or walk-up operation.
- C. It is proposed that the Petitioner be granted a Special Use (Section 10-8B-3) for the operation of a Drive-thru Facility on property generally located at 700 S. Clark St., Utica, IL 61373, in order to operate a Coffee Vendor / Trailer for customers, upon such conditions as agreed.
- 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.

VI. Consideration and Possible Action on Planning Commission Meeting Minutes: 02-23-2023

VII. Old / New Business

VIII. Public Comment

IX. Adjournment

POSTED 03-17-2023

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At 6:04 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, Bill Zens, Andy Skoog and Doug Gift. Also present were Village Attorney Herb Klein, Village Engineer Kevin Heitz and Public Works Director Curt Spayer. Member Mark MacKay arrived at 6:19 pm and Member Warren Munson was absent from the meeting.

Continued Public Hearing: At 6:05 pm Attorney Klein provided a brief summary of the Petition of James and Sabrina Didricksen, as amended at the Public Hearing held on February 23, 2023, to the Petition of James and Laura 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).

Attorney Klein stated that the Public Hearing was continued from February 23, 2023 providing the Petitioner with additional time to be able to develop a site plan for the business development being proposed for the property.

Mr. Didricksen was sworn in to provide Testimony.

Mr. Didricksen presented copies of a hand drawn colored layout of the property. Mr. Didricksen also showed a larger hand drawn colored poster of the property as well as a large plat map outlining the parcel / property and the properties within the surrounding neighborhood.

Petitioner's Exhibit #3	Hand drawn colored layout of property and larger hand drawn colored poster.
Petitioner's Exhibit #4	Large plat map of the parcel / property and the surrounding neighborhood.

Member Gift asked about the plan for parking as well as the number of vehicles that would be able to park in the lot.

Mr. Didricksen stated that he would be able to fit four or five vehicles in a small lot east of the driveway.

Member Brown asked Mr. Didricksen if he would be using the entrance to the property from IL Rt. 178 or the entrance from Lincoln St.

Mr. Didricksen stated that he would be using the existing driveway located on Lincoln St.; "Vehicles will pull in and park and then they will back out of the driveway back onto Lincoln St."

Member Gift stated that backing out of the parking lot and then out of the driveway entrance may present some issues with other traffic traveling on Lincoln St.

Chairman Guttilla asked if the current driveway entrance is wide enough for two vehicle traffic in and out of the area.

Member Brown asked about the feasibility of utilizing the entrance off of IL Rt. 178.

Village Engineer Heitz stated that due to the location, the amount of traffic on Rt. 178 and the general curve in the road, that this entrance was probably not a good option for the development.

Engineer Heitz also stated that it would not be a good option for commercial traffic to back out of the property and onto Lincoln St.

Mr. Didricksen stated that he was planning to bring in some additional gravel to make the entrance wider.

Attorney Klein stated that if the property were to be zoned commercial, a Variance may be necessary for the construction of a new stand to be located on the existing concrete pad, due to Village regulations and setbacks.

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Chairman Guttilla asked Mr. Didricksen if he would utilize the existing concrete pad for the hot dog stand or if he would have it located near the existing garage.

Mr. Didricksen stated that ideally, he would like to have it located on the concrete pad however, he would be open to having it located near the garage.

Member Skoog asked Mr. Didricksen about the size of the existing shed and if it has plumbing.

Mr. Didricksen answered, "The shed is approx. 16' X 10' and there is no plumbing currently."

Member Skoog stated that there would be a need to have plumbing and possibly a restroom that would be available for customers to use.

Member Skoog also asked Mr. Didricksen if he had spoken with the LaSalle County Health Department yet.

Mr. Didricksen stated that he is aware that he will need to obtain a License from the Health Department and that he will be required to have running water and a sanitary sink.

Mr. Didricksen stated that he is open to ideas about the location and construction of the stand on the property.

Member Zens asked about the flood plain and the drainage on the property.

Engineer Heitz stated that the property is in the flood plain and therefore any new construction is subject to those regulations.

Mr. Didricksen stated that the existing shed does not get much water.

Engineer Heitz then stated that if a property has been designated as being in a flood plain, it would be subject to the regulations set forth for any construction being done on the property.

Member Gift then asked if there would be enough parking for both businesses.

Mr. Didricksen answered, "Yes."

Member Gift asked where Mr. Didricksen will be renting the E-bikes.

Mr. Didricksen stated that he is planning to rent them from the existing garage on the property because that is where he will be repairing E-bikes as well.

Member Gift asked if customers will be coming to the property to rent an E-bike, they would be parking their vehicle in the lot as well.

Mr. Didricksen answered, "Yes, they will probably come to rent the bikes but they could just park downtown and walk."

Mr. Didricksen also stated that there will probably only be one or two vehicles parked in his parking lot at a time.

Member Gift stated that when someone rents an E-bike, they will probably park in the parking lot on the property and they will be gone on their bike for several hours, therefore customers that rent a bike could possibly take up several of the parking spaces in a small lot on a given day.

Mr. Didricksen stated that he could also rent the E-bikes from downtown on Mill St. from the building that Mrs. Didricksen's business, Utica Spice Co., is located in at 167 Mill St.

Mr. Didricksen indicated that he would be utilizing the bike rack on the corner of Mill St. and Church St. to meet with the customer and to explain how to operate the E-bike.

Member Skoog stated that the existing bike rack is a public bike rack owned by the Village and therefore it would not be able to be used for storage of the bikes for rental for a private business.

Member Gift asked Mr. Didricksen how many E-bikes would be available for rental.

Mr. Didricksen stated that he hadn't really decided yet but he thought that he would have four to five E-bikes to rent as well as others to purchase.

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Member Brown stated that he did not feel that the site plan layout provided enough information to the Planning Commission to be able to consider rezoning a property to commercial zoning. Chairman Guttilla stated that since the Village is considering rezoning a residential property to commercial zoning, there needs to be a clear plan for the development.

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

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

Chairman Guttilla then asked in there were any questions for Mr. Didricksen.

Utica Fire Department Deputy Chief, Gary Gbur, asked Mr. Didricksen how many E-bikes he would propose to have downtown in the building on Mill St.

Mr. Didricksen answered, "Four or Five bikes at a time to rent and then hopefully a few to sell."

Chief Gbur then stated that there are regulations being developed by the State of Illinois that are specifically related to the storage of E-bikes and other personal mobility equipment that requires a lithium rechargeable battery.

Chief Gbur was then sworn in to provide Testimony.

Chief Gbur provided the Clerk with copies of the upcoming regulations on E-bikes and other personal mobility equipment to distribute to the group.

Chief Gbur read the information and explained the proposed regulations and the dangers of lithium batteries and its rechargeable equipment. He stated that a lithium rechargeable battery can actually overheat causing it to explode. He also stated that a lithium battery can re-ignite even 24 hours after a fire has been extinguished and a fire caused by a lithium battery or personal mobility equipment can be deadly. The fires can not be extinguished by a traditional fire extinguisher and they can continue to explode. They burn extremely fast and have caused several injuries and fatalities across the United States. These fires are extremely difficult for firefighters to get under control and they also require a specific container to encapsulate and dispose of them to ensure that they will not re-ignite.

Chief Gbur stated that another cause of fire is third party charging equipment for the rechargeable batteries. A regulation is being established that all personal mobility equipment must be charged only by UL listed and certified equipment.

Chief Gbur also stated that the updated regulations will be finalized this year as part of the NFPA 101 Life Safety Fire Code, and all existing and new commercial businesses will be mandated to become compliant with regulations for storage of the equipment, the required use of only UL listed and certified equipment, and all non-compliant equipment will require removal from the property to be taken out of service.

Utica Fire Protection District Exhibit #1 Letter to the Village Board and Planning Commission,
dated 3-23-23 regarding the Fire Code Ordinance related to
E-bike and personal mobility equipment regulations

Mr. Didricksen then stated that he understands the hazards of lithium batteries and E-bikes and he would be compliant with all regulations of the Fire Code.

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Mr. Didricksen then stated that he would like to withdraw his Petition at this time. He stated that he would like to think about his plans a little more and then possibly come back to the Village. Attorney Klein informed Mr. Didricksen that if he withdraws his Petition at this time, then at any other time that he would like the matter to be considered in the future, he will then have to re-file a new Petition. Mr. Didricksen stated that he understood and he thanked the Planning Commission for their time.

Public Hearing: At 7:05 pm, Attorney Klein provide a brief summary of the Petition of Christopher (Chris) and Ann Duffy, and Starved Rock River & Trail Supply, LLC., as Petitioners and Owners of property generally located at 700 S. Clark St., Utica, IL 61373. Petitioners are seeking an amendment to the North Utica Zoning Code (Section 10-4-5B) to allow a Mobile Trailer to operate on the property for a commercial purpose and seeking a Special Use (Section 10-8B-3) regarding the operation of a Coffee Vendor / Trailer for customers, as a drive-thru or walk-up operation. The property is currently zoned Commercial C-2 (General Commercial District)

Village Exhibit #1	Legal Notice published on March 8, 2023
Petitioner's Exhibit #1	Petition for Special Use and related documents

Mr. Christopher Duffy was sworn in to provide Testimony. Mr. Duffy stated that he is the owner of Starved Rock River & Trail Supply located at 700 S. Clark St. in Utica. He would like to place a mobile trailer, similar to a small Airstream Travel Trailer, on the property to operate a Coffee Shop. It would be a drive-thru operation similar to the Bean Box located in LaSalle, IL. The proprietor of that shop would also be managing the mobile Coffee Shop in Utica.

Member Gift stated that there is always a line at the Bean Box and people seem to really like their coffee. Member Brown asked if this would be considered a food truck. Attorney Klein stated that although the Coffee Shop will be located in a mobile trailer on the property, it will be a permanent business. Member Gift asked where the trailer would be located on the property. Mr. Duffy stated that it would be located between the camper display and the current building. Chairman Guttilla asked if there would be any issues with disrupting the flow of traffic on Rt. 178. Mr. Duffy stated that he doesn't believe there would be any impact to traffic. Chairman Guttilla asked if vehicles could place their order and then pull ahead to wait. Mr. Duffy stated that there is enough room on the property to have an area for vehicles to pull aside so that their order can be brought out to them, with the wait being only a few minutes. This would keep the traffic moving and therefore, not impacting the main road. Village Engineer Heitz asked Mr. Duffy about his plans for removing the grey water from the tank on the mobile trailer. Mr. Duffy stated that there won't be a large volume of gray water, therefore it can be drained on the property. Engineer Heitz stated that the Village would probably prefer that the water is removed from the property rather than to be drained. Mr. Duffy agreed that he can discard the gray water away from the property. Engineer Heitz asked Mr. Duffy if he had any photos of the trailer. Mr. Duffy stated that he did not have any photos of the trailer however, it will look very similar to a smaller version of the Airstream Travel Trailer.

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Utica resident, Pat Seibert, asked Mr. Duffy if the trailer would be able to be moved in the event of seasonal flooding.

Mr. Duffy answered, "Yes."

Engineer Heitz also stated that there is usually enough time during a flood warning in which Mr. Duffy would be able to remove the trailer from the property.

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

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

At 7:23 pm, the Public Hearing was closed. Motioned by Member Brown, 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.

It was motioned by Member Brown, seconded by Member Zens to allow a Mobile Trailer to operate for a commercial purpose as a Special Use in the C-2 District (General Commercial District)

5 Yes

Motion Carried

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It was then motioned by Member MacKay, seconded by Member Zens to recommend approval of an amendment to the Village of North Utica Zoning Code to allow a mobile trailer to operate as a Special Use in the C2 Zoning District.

5 Yes

Motion Carried

It was then motioned by Member Zens, seconded by Member MacKay to recommend approval of amending the C-2 Commercial Zoning District to define a mobile trailer as a Special Use.

5 Yes

Motion Carried

It was then motioned by Member Zens, seconded by Member MacKay to recommend approval of granting a Special Use for the operation of a Drive-thru Facility on property generally located at 700 S. Clark St., Utica, IL 61373, in order to operate a Coffee Vendor / Trailer for customers subject to the following: Can not block the Bike Path or traffic along Rt. 178; Parking must be contained on the property and not extend into the Right of way; and all grey water must be disposed of appropriately as approved by the Village Zoning Enforcement Officer.

5 Yes

Motion Carried

Minutes: It was motioned by Member Brown, seconded by Member MacKay to approve the Minutes from the 2-23-23 Planning Commission 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 7:38 pm. Motioned by Member Skoog, seconded by Member Zens.

All in Favor

Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk