

**VILLAGE OF NORTH UTICA**  
**248 W. Canal St, North Utica, IL 61373**  
**Planning Commission Meeting**  
**May 25, 2023**  
[www.utica-il.gov](http://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 the Petition of Steven and Pamela Shanley. Petitioners are seeking approval to subdivide a lot, separating the existing home located at 316 W. Church St., Utica, IL, from the northern vacant area of the lot, and to have that re-subdivided lot rezoned as C-1 (Central Business District).  
The Petitioners are also seeking such setback Variances as shown on the proposed Plat of Survey. The tracts of land affected are Parcel I - 215 Division St., Utica, IL, currently zoned C-1 (Central Business District); and Parcel II – the northern part of 316 W. Church St., Utica, IL, and Parcel III - the southern part of 316 W. Church St., Utica, IL, both currently zoned R-1 (Single Family Residential);
    - A. It is proposed that the Petitioners be granted the subdivision of property as follows:  
To subdivide Parcel II – the northern part of 316 W. Church St., Utica, IL, and Parcel III - the southern part of 316 W. Church St., Utica, IL, both currently zoned R-1 (Single Family Residential);
    - B. It is proposed that upon the subdividing of Parcel II and Parcel III, the Petitioners be granted the rezoning of Parcel II - the northern part of 316 W. Church St., Utica, IL, to C-1 (Central Business District), for the purpose of expanding the existing commercial business, to the west. The existing commercial business is located at Parcel I - 215 Division St. and is currently zoned C-1 (Central Business District). Parcel III - the southern part of 316 W. Church St., Utica, IL, will remain zoned R-1 (Single Family Residential);
    - C. Such other relief that is necessary to allow the Petitioners' intended use of these properties.
  2. Discussion and Possible Recommendations of the Planning Commission regarding such Hearing.
- V. Consideration and Possible Action on Planning Commission Meeting Minutes: 04-27-2023
- VI. Old / New Business
- VII. Public Comment
- VIII. Adjournment

**POSTED 05-19-2023**

**VILLAGE OF NORTH UTICA**  
**248 W. Canal St, North Utica, IL 61373**  
**Planning Commission Meeting**  
**May 25, 2023**  
[www.utica-il.gov](http://www.utica-il.gov)

MINUTES

At 6:03 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, 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. Member Bill Zens was absent from the meeting.

Mayor David Stewart asked the group to observe a Moment of Silence for Village Trustee Mary Pawlak who had recently passed away.

Mayor Stewart stated that Mary Pawlak served as a Trustee on the Village Board for more than 30 years. . She and her husband, former Village Board Trustee Ron Pawlak, who passed away in 2021, were dedicated to the community. Both could always be counted on to help anywhere that was needed; from events like the fireworks to helping after the 2004 Tornado, both of them always made themselves available.

Public Hearing: Attorney Klein provided a brief summary of the Petition of Steven and Pamela Shanley. He stated that the Petitioners are seeking approval to subdivide a lot, separating the existing home located at 316 W. Church St., Utica, IL, from the northern vacant area of the lot, and to then have that re-subdivided lot rezoned as C-1 (Central Business District). Attorney Klein also explained the setback Variances that the Petitioners are seeking, as shown on the proposed Plat of Survey. The tracts of land being affected are as follows: Parcel I - 215 Division St., Utica, IL, currently zoned C-1 (Central Business District); and Parcel II – the northern part of 316 W. Church St., Utica, IL, and Parcel III - the southern part of 316 W. Church St., Utica, IL, both are currently zoned R-1 (Single Family Residential).

- |                          |   |
|--------------------------|---|
| Village Exhibit #1 -     | Legal Noticed published in the News Tribune on 5-8-23   |
| Petitioners Exhibit #1 - | Documents including the Amended Rezoning Permit Application, Plat of Survey, Arial View & Legal Description of property |
| Petitioners Exhibit #2 - | Petition for the Subdivision of the property  |

Mr. Steve Shanley and Mrs. Pam Shanley were sworn in to provide Testimony.

Mr. Shanley stated that they have purchased the property located at 316 W. Church St. and would like to divide the property and rezone the backyard portion to commercial zoning. This portion of the lot is adjacent to the back of their current business, Clark Run Antiques and they would like to utilize it to add a covered patio and tables to be able to offer an area to sit and enjoy wine tastings and music. They would also like to have a children's play area with a small playground locomotive and slide, bean bag games and croquet to make it a family friendly area where people could enjoy being together outside. They would also plant several small arborvitae trees to 'screen' the area from neighbors and to further define the borders of the property.

Mr. Shanley also stated that they would like to consider having a few vendors in back on the same dates that the Historical Society is having their Canal Market.

**VILLAGE OF NORTH UTICA**  
**248 W. Canal St, North Utica, IL 61373**  
**Planning Commission Meeting**  
**May 25, 2023**  
[www.utica-il.gov](http://www.utica-il.gov)

MINUTES

Member Gift asked if the home located on the property (316 W. Church St.) is currently rented. Mr. Shanley stated that currently the home is being used for storage only.

Member Skoog asked which parcels were being requested to be rezoned.

Attorney Klein explained that Parcel III, the southern portion of the property located at 316 W. Church St. with the home will remain zoned R-1; Single Family Residential whereas, Parcel II, the northern vacant portion of the property located in the back of the same lot, would be rezoned to C-1; Central Business District. The current property, Parcel I, which is the Clark Run Antiques property located at 215 Division St. would remain zoned C-1. Therefore, only the portion of property, known as Parcel II, would be rezoned.

Village Engineer Kevin Heitz arrived at 6:14 pm.

Attorney Klein provided a brief summary of the previous Testimony in the Public Hearing.

Chairman Guttilla asked Engineer Heitz if he had any questions or concerns about the Petition to subdivide and rezone the property.

Engineer Heitz stated that he did not have any concerns and that he believes that this would be a nice addition to the Clark Run Antiques business. He also stated that Steve and Pam Shanley delivered on their initial vision for the property located at 215 Division St.; “They have created a successful business and an attractive property and I think this will be a great addition for them and for the Village.”

Chairman Guttilla asked Engineer Heitz if he had any concerns about the setbacks if the property is subdivided and rezoned.

Engineer Heitz answered, “No.”

Some additional discussion was held regarding the suggested screening that would be planted to divide the proposed commercial property from the adjacent residential properties.

Mr. Tom Guerrero, 203 Division St., Utica, was sworn in to provide Testimony.

Mr. Guerrero stated that his family has a good relationship with Mr. and Mrs. Shanley however, he does have some concerns about the northern portion of the property (Parcel II – 316 W. Division St.) being rezoned to commercial zoning. Mr. Guerrero also stated that he does not feel that a screening of small arborvitae trees would be sufficient, especially since it will be a few years until they are mature enough to grow together to form that privacy screen between the properties. He stated that he has concerns about people, especially small children, wandering onto his property, which would lead to a lack of privacy as well as the potential for someone to accidentally get hurt on his property.

Mr. Guerrero asked that a permanent privacy fence be installed as a privacy screen.

Ms. Belinda Kawiecki, 322 W. Church St, Utica, was sworn in to provide Testimony.

Ms. Kawiecki stated that although the arborvitae trees will look nice, it will take a few years before they are able to create sufficient privacy between the commercial property and the residential properties.

Ms. Kawiecki stated that she does not have any issues with the proposed commercial zoning and use of the property however, she would also like a privacy fence to be installed as a privacy screen especially since there will be children that could wander from the proposed playground area into her yard. She stated that she is concerned about the liability if someone were to be hurt on her property.

**VILLAGE OF NORTH UTICA**  
**248 W. Canal St, North Utica, IL 61373**  
**Planning Commission Meeting**  
**May 25, 2023**

[www.utica-il.gov](http://www.utica-il.gov)

There was a brief discussion regarding lot line fences and the care and maintenance of the fence and surrounding property. Engineer Heitz stated that generally the property owner maintains the fence however, the neighbors will usually work out an agreement regarding any necessary care and maintenance that would be needed for the side of the fence that is abutting their property.

Ms. Kawiecki stated that she has no issue with the fence being installed on the lot line.

Chairman Guttilla asked Mr. and Mrs. Shanley if they were open to considering installing a fence.

Mr. Shanley answered, "Yes."

Chairman Guttilla then asked if the arborvitae trees would then be on the north side of the fence line.

Mr. Shanley answered, "Yes."

Chairman Guttilla asked if there was any additional Testimony; there was no one.

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

It was then motioned by Member Brown, seconded by Member Skoog to close the Public Hearing at 6:33 pm.

All in Favor  
Motion Carried

Attorney Klein then presented the Findings of Fact to be considered by the Planning Commission, as follows:

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 Brown, seconded by Member MacKay to recommend approval to grant the subdivision of property as follows: To subdivide Parcel II – the northern part of 316 W. Church St., Utica, IL, and Parcel III - the southern part of 316 W. Church St., Utica, IL, both currently zoned R-1 (Single Family Residential)

5 Yes  
Motion Carried

**VILLAGE OF NORTH UTICA**  
**248 W. Canal St, North Utica, IL 61373**  
**Planning Commission Meeting**  
**May 25, 2023**

[www.utica-il.gov](http://www.utica-il.gov)

It was then motioned by Member Munson, seconded by Member MacKay to recommend approval to rezone parcel II, the northern portion of 316 W. Church St., Utica, to C-1 zoning (Central Business District) and including the setback variances as presented on the proposed Plat of Survey, provided that a privacy fence is installed within six inches of the newly established lot line, and provided that the appropriate number of arborvitae trees shall be planted along the fence line, to further screen the property.

A brief discussion continued regarding the proposed location of the privacy fence. Attorney Klein provided some clarification regarding the discussion; the privacy fence would be installed between parcels II and III within six inches of the newly established lot line.

Member Munson stated his motion again and the motion was seconded by Member MacKay. With no additional discussion, Clerk Gbur called the roll call vote on the Motion.

5 Yes

Motion Carried

Minutes: It was motioned by Member Brown, seconded by Member Skoog to approve the Minutes from the 4-27-23 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 6:46 pm. Motion was made by Member MacKay, seconded by Member Skoog.

All in Favor

Motion Carried

Respectfully submitted,

Laurie A. Gbur  
Village Clerk