

VILLAGE OF NORTH UTICA

801 South Clark Street
North Utica, IL 61373
Planning Commission
Public Hearing
August 22, 2019
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.) Petition of Bob Cissell and DG Partners LLC, an Illinois Limited Liability Company, d/b/a/ DG Partners Midwest LLC, as Contract Purchaser of property owned by Dee J. Bennett and Bonnie Bennett-Campbell., on a tract of land commonly known as US Rt. 6 and IL Rt. 178 in Utica, IL, currently zoned C-3, seeking approval to subdivide the land and for Variances to the Village of North Utica Zoning Ordinance to allow the construction of a retail store on said parcel.

- a) Consideration of approval to subdivide the current parcel owned by the land owners to create an approx. 1.814-acre parcel in order to construct and operate a retail entity.
- b) Consideration of a Variance to allow the maximum front yard setback of 125' instead of 75' (SEC. 10-8C-5) to avoid impacting a 30' utility easement (sanitary & water mains) along the entire frontage of the property.
- c) Consideration of a Variance from Section 10-14-4 A5.b regarding interior landscaping requirements resulting from off-street parking.
- d) Consideration of such other relief as is necessary to allow the intended Construction and Development.

2.) Discussion and Possible Recommendations of the Planning Commission regarding such Hearing.

V. **6:30 Public Hearing:**

1.) Petition of Jason L. Galvan, Owner of property located at 310 Towpath Road, Utica, IL, currently zoned R-1, seeking a Special Use permit requiring certain text amendments to the Village of North Utica Zoning Ordinance, and possible amendment of the Hotel and Motel and / or Bed and Breakfast Ordinances, to allow the operation of a vacation dwelling rental.

- a) Consideration of amendment of Section 10-7A-3 to allow vacation dwelling rentals as a Special Use and the granting of a Special Use permit to the Petitioner, Jason L. Galvan, for property located at 310 Towpath Road, Utica, IL
- b) Consideration, alternatively, to amend the Zoning of the property, located at 310 Towpath Road, Utica, IL, to a classification of R-3, C-1 or C-2; and to grant the Petitioner, Jason L. Galvan, a Special Use to operate as a vacation dwelling rental on the property.
- c) Consideration of such other relief as is necessary to allow operation of a vacation dwelling rental, including any amendments necessary to the Hotel and Motel Ordinance (Sec 3-7-1 et. seq.) and / or the Bed and Breakfast Ordinance (Sec. 3-8-1 et. seq) of the Village, at said property location.

2.) Discussion and Possible Recommendations of the Planning Commission regarding such Hearing.

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- VI. Consideration of Approval of Planning Commission Meeting Minutes: 5-23-19
- VII. Old / New Business
- VIII. Public Comment
- IX. Adjournment

POSTED 8-20-19

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MINUTES

At 6:03 pm the meeting was called to Order by Planning Commission 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, Warren Munson, Bill Fry, Roy Chapman and Mike Brown. Members Dennis Hamilton and Bill Zens were absent from the meeting. Also present were Village Attorney Herb Klein, Village Engineer Kevin Heitz and Public Works Director / Zoning Enforcement Officer Curt Spayer.

Attorney Klein provided a summary of the Petition of Bob Cissell and DG Partners LLC, an Illinois Limited Liability Company, d/b/a/ DG Partners Midwest LLC, as Contract Purchaser of property owned by Dee J. Bennett and Bonnie Bennett-Campbell., on a tract of land commonly known as US Rt. 6 and IL Rt. 178 in Utica, IL, currently zoned C-3, seeking approval to subdivide the land and for Variances to the Village of North Utica Zoning Ordinance to allow the construction of a retail store on said parcel.

Village Exhibit #1 – Notice of Public Hearing
Village Exhibit #2A – Variance Application
Village Exhibit #2B - Application for Subdivision

Mr. Ryan Swanson, ARC Design, was sworn in to provide Testimony.

Mr. Swanson provided the Planning Commission with a Power-point slide presentation. The presentation included an overview of the property and site; a rendition of the proposed 9,000 sq. ft. building and parking lot area, and the proposed Variances that the Petitioner is seeking for the development of the project. The Petitioner would like to develop the property for the construction of a new Dollar General Store. The property is located north of Rt. 6 & east of IL. Rt. 178 and the building will face Rt. 6. Variances needed for the development would be as follows: a Variance from the allowed 75' increased to 125' because of a 30' utility easement and; a Variance for landscaping due to the size of the property. Currently the Village Code requires 62 trees however, the development and parking would not allow the area to include 62 trees in the area.

The overview of the building and property included: Two colors of brick on the front façade and columns, channel lettering as the signage on the front of the building and roof screening as necessary; led lighting and signage in the front landscaping; 30 parking spaces and a loading area on the right side of the building.

Member Gift asked if there were any concerns from IDOT regarding the proposed location of the entrance to the property once its' completed.

Mr. Swanson stated that the plans are being reviewed by IDOT however, they have not presented any concerns at this point. The proposed setback from the intersection still allows for the future construction of the roundabout.

Engineer Heitz stated that when he had spoken to IDOT about the future intersection project, they seemed to have no concerns with the proposed location of the entrance.

Member Gift asked about the surrounding property owned by Bennett's.

Mr. Dee Bennett was sworn in to provide Testimony.

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Mr. Bennett stated that he and Bonnie Bennett own approx. 48 acres of property. When considering the Dollar General development, he wanted to leave a bit of additional room to the west for the Applebee property (where the Visitor's Center is located). In the future, if further re-development of the Applebee property should be considered, that would make the property easier to develop without crowding another business.

Member Chapman asked about the future roundabout location.

Engineer Heitz stated that the entrance to the Dollar General property would be approx. 225' east of the roundabout.

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

Engineer Heitz stated that Cissell Mueller, DG Partners, ARC Design have been great to work with. They were willing to upgrade the façade of the front exterior of the building and this would be a great development for the area. Engineer Heitz also stated that he had reviewed the site plans and approves the development with the requested Variances that the Developer is seeking.

Member Gift asked when the store might be completed and opened for business.

Mr. Swanson stated that depending on building permits, IDOT approval and other developments that are being completed throughout the Illinois Valley area, they would like to begin construction in the fall season with the intention of being opened early next year.

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

There was no one present to speak in opposition.

With no additional Testimony, the Public Hearing was closed at 6:32 pm. Motioned by Member Brown, seconded by Member Gift.

All in Favor

Motion Carried

It was then motioned by Member Chapman, seconded by Member Fry to recommend approval of a Variance granting a Subdivision of the property.

5 Yes

Motion Carried

It was then motioned by Member Fry, seconded by Member Brown to recommend approval of a Variance granting an increase in the setback from 75' to 125' and a Variance to the required landscaping of the property.

5 Yes

Motion Carried

At 6:34 pm Attorney Klein provided a summary of the Petition of Jason L. Galvan, Owner of property located at 310 Towpath Road, Utica, IL, currently zoned R-1, seeking a Special Use permit requiring certain text amendments to the Village of North Utica Zoning Ordinance, and possible amendment of the Hotel and Motel and / or Bed and Breakfast Ordinances, to allow the operation of a vacation dwelling rental.

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Village Exhibit #1 – Notice of Public Hearing

Village Exhibit #2 – Petition

Ms. Aron Galvan was sworn in to provide Testimony.

Ms. Galvan stated that she intends to move to the property once she and her husband are retired, however, they would like to use the second home on the property as an overnight rental. The home has been completely renovated and can be used for overnight accommodations to bring people in to the community throughout the year.

Chairman Guttilla asked about the size of the property.

Ms. Galvan stated that the property is 25 acres and is located adjacent to the I & M Canal.

Chairman Guttilla asked when they would like to begin renting the home since they currently don't live on the property or in the surrounding area.

Ms. Galvan stated that they would like to move to the Village in spring 2020 however, they would like to begin renting the home as soon as possible, during the fall season.

Chairman Guttilla asked Ms. Galvan who would be responsible for managing the rental property.

Ms. Galvan stated that her husbands' parents who currently live in LaSalle would be responsible for managing the property; reservations would be taken through an online website.

Member Gift asked if the home has already been completely renovated.

Ms. Galvan answered yes.

Member Gift stated that the Village has been reluctant to allowing overnight rental properties in the R-1 Zoning District.

Ms. Galvan stated that she will be moving into the 'rental' home in the spring while the main house is renovated. Once the house is renovated, she will move in and then begin renting out the smaller home again.

Ms. Galvan also stated that although the property is zoned R-1, it is comprised of 25 acres containing only two homes. The remainder of the property is all agriculture, trees, and pasture-land.

Engineer Heitz then stated that the property is zoned R-1. Zoning can depict the future use of the property however it might not necessarily match the current use. It is a unique property in size and location.

Chairman Guttilla stated that the Planning Commission and the Village Board are in the process of discussing overnight vacation rentals to determine whether they will fit into the community as a whole, however currently they are not permitted.

Engineer Heitz stated that he was contacted by Mr. Dan Bell, IDNR, and said that he saw the signage indicating a Public Hearing for a proposed zoning change and the IDNR would like additional time to review the request that the Petitioner is making as well as the potential impact to their road.

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Chairman Guttilla stated that this property is a unique property however, the access to the property is a road that is not the Villages'. The access to the property owners that reside along the Towpath is granted as a courtesy by IDNR. The Village can't grant permission to utilize the towpath for this purpose. The IDNR would have to decide whether they will grant permission that the Towpath access can be used for the purpose of having a business that offers overnight rentals.

Engineer Heitz also stated that the Village does not maintain the Towpath during the winter season, so plowing for snow is another consideration that IDNR would have to consider.

Ms. Galvan stated that she was told by IDNR that the Village of North Utica would be responsible for plowing since there is a Lease agreement in place for maintaining the Towpath.

Engineer Heitz stated that the Lease agreement is only for trimming back over-growth of plants, mowing along the path and filling some potholes. Snow plowing is not included in the agreement.

Public Works Director Spayer also stated that at times the Village has helped plow the Towpath, when the snowfall is 6" or more, however, the snowmobiles use the path in the winter, so it is not regularly plowed.

Village Exhibit #3 – Aerial view of LaSalle County GIS showing an overview of the property.

Member Gift stated that continuing with the Public Hearing to consider the property for overnight rentals is a bit premature until IDNR has the ability to review the information. Everyone would then know if there are additional Village obligations that would be necessary.

Chairman Guttilla stated that the property is located in a nice area for overnight rental accommodations if the logistics with the road access with IDNR can be worked out.

Member Fry asked about the road to Chairman Guttillas' and Member Gifts' homes.

Chairman Guttilla stated that the road is a Village road, Hatchet Canyon Rd., therefore the road is maintained by the Village.

Member Fry stated that the Hearing should be continued until the IDNR makes a decision on the Towpath.

Member Brown Agreed.

Attorney Klein agreed as well. The liability to the Village if road access is limited to the property in the event of an emergency is a concern as well.

Member Brown asked if there is a concern that the IDNR would eliminate vehicle access entirely, and only permit foot and bicycle traffic.

Attorney Klein stated that since there are homes along the path, allowing vehicle traffic would not be eliminated by IDNR, however, this request is to use the property for business, so they may decide not to permit access for that purpose; Legal access to the properties along the Towpath is under the jurisdiction of IDNR.

Ms. Connie Guerrero, Utica, was sworn in.

Ms. Guerrero asked why the Village charged \$350 for the Petition.

Attorney Klein stated that the Village is required by law to publish prior to a Public Hearing. The fee is to cover the cost of publishing and posting the meeting.

Ms. Guerrero then asked why the Village charged the fee if they couldn't grant permission to use the road.

Attorney Klein stated that the IDNR controls the road, while permitting the business would be the responsibility of the Village.

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Mr. Steve Stout, Utica, was sworn in.

Mr. Stout asked if there are other areas along the Towpath that have homes and can use the path for access to their property.

Member Gift stated that the Duck Clubs have written agreements with IDNR for access to the property.

Member Fry asked if there would be an issue with Ms. Galvan renting the property month to month.

Attorney Klein explained that month to month rentals are allowed however, rentals less than 30 days are not allowed without a Special Use.

Ms. Galvan requested that the Hearing be continued pending a discussion that she would like to have with IDNR about the path access. The Planning Commission agreed.

It was then motioned by Member Brown, seconded by Member Chapman to continue the Public Hearing to 9-26-19 at 6 pm.

All in Favor

Motion Carried

Minutes: It was motioned by Member Brown, seconded by Member Chapman to approve the Minutes from the 5-23-19 Planning Commission meeting as presented.

5 Yes

Motion Carried

Old Business / New Business: A letter of resignation was submitted to Mayor Stewart and Chairman Guttilla from Member Bill Fry. It was motioned by Member Gift, seconded by Member Brown to accept the resignation of Member Fry with regret. The Planning Commission thanked Member Fry for his years of service on the Planning Commission.

All in Favor

Motion Carried

Public Comment: Mayor Stewart thanked Member Fry for his service to the Village of North Utica and accepted his resignation with regret.

With no additional business, the meeting was adjourned at 7:30 pm. Motioned by Trustee Munson, seconded by Member Brown.

All in Favor

Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk