

VILLAGE OF NORTH UTICA
801 South Clark Street, North Utica, IL 61373
Planning Commission
Public Hearing
October 29, 2020
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. Consideration of a Petition of David Johnson of DND Property Solutions, LLC, 325 Clark Street, Utica, IL, as Owner of the property. The Petitioner is seeking a Special Use under the Village of North Utica zoning ordinance Section 10-8B-3 to operate a bar with video gaming devices. The tract of land affected is located at 325 Clark Street, Utica
 - a. It is proposed that Petitioner be granted a Special Use to operate a bar with video gaming on the premises. The property is zoned C-2 (General Commercial District).
 - b. Such other relief that is necessary to allow Petitioner's intended use of the property.
 2. Discussion and Possible Recommendations of the Planning Commission regarding such Hearing.
- V. Consideration and Possible Action on Planning Commission Meeting Minutes: 08-27-2020
- VI. Old / New Business
- VII. Public Comment
- VIII. Adjournment

POSTED 10-27-2020

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At 6:00 pm the meeting was called to Order by Planning Commission Chairman Tom Guttilla who then led the Pledge of Allegiance. Meeting attendance was recorded by Director of Village Affairs, Jamie Turczyn. Present at the meeting were Members Doug Gift, Bill Zens and Dennis Hamilton. Also present at the meeting was Village Attorney Herb Klein, Village Engineer Kevin Heitz. Members Warren Munson, Mike Brown and Roy Chapman were absent from the meeting.

In the absence of the Clerk, it was motioned by Member Gift, seconded by Member Zens to appoint Jamie Turczyn Clerk Pro-Tem for the meeting.

All in Favor
Motion Carried

Attorney Klein read the Public Hearing Legal Notice for the Petition of David Johnson of DND Property Solutions, LLC, owner of property located at 325 Clark Street, Utica, IL. The Petitioner is seeking a Special Use under the Village of North Utica zoning ordinance Section 10-8B-3 to operate a bar with video gaming devices on the property. In order to obtain a gaming license from the State of Illinois, a liquor license is required. In the C-2 Zoning District, a liquor license requires a Special Use, therefore a Public Hearing.

The Published Legal Notice was entered into the Record as Village Exhibit #1.

The Special Use Application and letter from the Petitioner was entered into the Record as Village Exhibit #1.

Mr. David Johnson, DND Property Solutions, LLC, was sworn in to provide Testimony.

Mr. Johnson stated that he has been developing properties in the Village for approx. 20 years. He acquired the former Willows Hotel property, located at 325 Clark Street, Utica, a couple of years ago. The property has been renovated and is now known as Riverside Plaza. The second floor of the building is used for commercial corporate housing rentals of 30 days or longer. The next phase of development will include retail on the main level. The Golf Store is currently located in a unit located on the main floor.

Mr. Johnson also stated that he feels that we are currently in an 'experience-based economy'. People seek out experiences. He would like to add a small gaming café to the main level to provide an additional experience for people to enjoy. This plan would help to secure additional foot traffic that would aid the Golf Store during the slower winter season, while also providing people with a quiet place to enjoy gaming. The café would be a place that elderly ladies and gentlemen could feel comfortable visiting. Beer and soda as well as snack foods would be available for purchase. Signage would include banner flags, a sign indicating the hours of the business and a small sign above the unit. There would be no bright flashing lights; only a lighted sign that indicates that the café is open. The café would be open from 8 am – 9 pm with no late nights. The addition of the gaming café would help to drive more business to the building and hopefully this would attract additional upscale retail.

Member Gift asked about parking.

Mr. Johnson stated that there are 30 parking spaces available and there are 18 spaces in the back for people that are renting the corporate housing units.

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Chairman Guttilla asked how the café would be laid out inside.

Mr. Johnson stated that the gaming café would be located in the same unit(s) in which the bakery was located. There will be six gaming machines; three will be located in the front of the café and three will be located in the back. There will be plexiglass and tables separating the machines and there will be drinks and snacks available on the right side of the café.

Member Gift asked if there is a total number of gaming machines that are allowed by Village Ordinance.

Attorney Klein answered no, currently the Village Ordinance has no limit.

Member Gift then asked if there is a liquor license available.

Attorney Klein answered yes, there is a Class A liquor license currently available.

Member Gift also stated that he would like to see a high-end outdoor shop come in to the Village.

Chairman Guttilla asked about the square footage of the unit for the proposed gaming café.

Mr. Johnson answered 1,200 sq. ft.

Mr. Johnson then stated that the process to go through the State of Illinois Gaming Board to receive approval for a gaming license is approx. 4 – 6 months.

Chairman Guttilla asked if there was anyone present that wanted to provide Testimony to speak in favor of the Petition.

There was no one present.

Chairman Guttilla then asked if there was anyone present that wanted to speak in opposition of the Petition.

Village Board Trustee Debbie Krizel was sworn in.

Trustee Krizel stated that she appreciates Mr. Johnson's 20-year commitment to development in the Village of North Utica, however she questions the type of business that he is seeking to open. She feels that a gaming café does not follow the Comprehensive Plan and would rather like to see more family-oriented businesses develop in the Village.

Member Gift asked if a liquor license had been issued at this location in the past.

Yes, a restaurant was located in the Willows Hotel and they had a liquor license.

Mr. Johnson stated that his intention is to open a higher-end gaming café. It would be upscale and tastefully decorated.

With no additional Testimony, the Public Hearing was closed at 6:30 pm. Motioned by Member Zens, seconded by Member Hamilton.

All in Favor

Motion Carried

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Attorney Klein then reviewed the Finding of Facts 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.

Member Zens made a Motion to recommend approval of the Special Use for the operation of a bar with video gaming devices on the property located at 325 Clark St., Utica, IL. The Motion was seconded by Member Hamilton.

Discussion among the Planning Commission was then held.

Member Gift stated that he doesn't want to see a building empty; he would like to see the units all filled.

Member Zens asked if there could be a limit assigned to the hours that alcohol is served in the café. Attorney Klein answered that the way to limit hours of alcohol being allowed to be served would be by amending the Villages' Liquor Ordinance.

With no additional discussion, a roll call vote was taken for the Motion made by Member Zens, seconded by Member Hamilton for the recommendation of approval of a Special Use for the operation of a bar with video gaming devices on the property located at 325 Clark St., Utica, IL

4 Yes

Motion Carried

Board consideration of the Special Use will take place at the November 12, 2020 Board of Trustees Meeting.

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Minutes: It was motioned by Member Gift, seconded by Member Zens to approve the Minutes from the Planning Commission Meeting held on 8-27-2020 as presented.

All in Favor
Motion Carried

Old / New Business:

Member Gift asked about the status of the Public Hearing regarding potential amendments to the Village of North Utica Zoning Ordinance (Title 10 et.al.), including, but not limited to, provisions within Definitions Section (Section 10-2-1 et.al.) and in regard to consideration of whether, in what circumstances, and/or in which zoning districts, cannabis dispensary business establishments, cannabis growth and/or manufacturing businesses, and cannabis social areas may be allowed, including, but not being limited to, consideration of allowances as defined within provisions of the recently enacted State of Illinois Cannabis Regulation and Tax Act and any and all other matters related in any matter to the growth, manufacturing, sale and/or use of cannabis within the corporate limits of the Village of North Utica.

Attorney Klein stated that the Notice will be re-published for a future meeting.

Member Gift then asked about the status of the owners of Grand Bear Resort working with the Homeowners Association(s) regarding the rental pool.

Attorney Klein stated that there is currently pending litigation on the matter.

Public Comment: NONE

With no additional business, the meeting was adjourned at 6:50 pm. Motioned by Member Zens, seconded by Member Hamilton.

All in Favor
Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk