

VILLAGE OF NORTH UTICA

801 South Clark Street

North Utica, IL 61373

Planning Commission

Public Hearing

February 8, 2018

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AGENDA

- I. 6:00 p.m. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Public Hearing - 6:00 pm:
 - 1.) Petition of Steve and Pam Shanley, Owners of property generally located at 215 N. Division St., seeking an amendment of the Zoning Ordinance to the extent necessary and the Granting of a Special Use to allow the operation of a bar to provide for the sale and consumption of alcoholic liquor.
 - 2.) For such other relief as necessary to grant the intended relief, including amendment of the Zoning Ordinance to further define the term ‘bars and taverns’ as contained therein.
- V. Discussion and Possible Recommendations of the Planning Commission regarding:
 - 1.) Petition of Steve and Pam Shanley, Owners of property generally located at 215 N. Division St., seeking an amendment of the Zoning Ordinance to the extent necessary and the Granting of a Special Use to allow the operation of a bar to provide for the sale and consumption of alcoholic liquor.
 - 2.) For such other relief as necessary to grant the intended relief, including amendment of the Zoning Ordinance to further define the term ‘bars and taverns’ as contained therein.
- VI. Consideration of Approval of Minutes: 07-12-17
- VII. Old / New Business
- VIII. Public Comment
- IX. Adjournment

POSTED 02-5-18

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The meeting was called to Order by Planning Commission Chairman Tom Guttilla who then led the Pledge of Allegiance. Present at the Hearing was Village Clerk Laurie Gbur and Planning Commission Members Doug Gift, Warren Munson, Roy Chapman, Matt Cetwinski, Bill Zens and Mike Brown. Also present was Village Attorney Herb Klein.

Members Bill Fry and Dennis Hamilton were unable to attend the meeting.

Attorney Klein provided a summary of the Petition submitted by Steve and Pam Shanley, Owners of property generally located at 215 N. Division St., seeking an amendment of the Zoning Ordinance to the extent necessary and the Granting of a Special Use to allow the operation of a bar to provide for the sale and consumption of alcoholic liquor.

Attorney Klein stated that the property is located in the C-1 District and it is currently an Antique shop that sells retail gifts and antiques. A Bar or in this case, a Tasting Room, is not allowed under the Village Ordinance without a Special Use. Also, being considered is such other relief as necessary to grant the intended relief, including amendment of the Zoning Ordinance to further define the term 'bars and taverns' as contained therein.

Village Exhibit #1 – Notice, published in the News Tribune by Village Clerk Laurie Gbur.

Petitioners Exhibit #1 – Petition and letter submitted by Steve and Pam Shanley, owners of the property located at 215 N. Division St., Utica

Steve and Pam Shanley were sworn in by Attorney Klein.

Mr. Shanley stated that he is the owner of Clark Run Antiques. He and his wife, Pam, also own Clark Run Creek Gifts which is located on Mill St. At the Mill St. location, they offer wine tastings and it has helped to increase their business and sales during slow periods. They would like to do the same thing at the Antique Shop.

Mrs. Shanley then stated that they are not looking to have a full bar. This will be a small room with a couple of tables and wine tastings. They would not increase their current hours unless it would be something they would consider on a Saturday night during the summer. In the future, they may add a deck on to the west of the building, but they are only requesting the approval to have a tasting room inside for now.

Chairman Guttilla asked if they would also offer package sales of their wines.

Mrs. Shanley answered yes, but they would also like everyone to have the ability to sit and enjoy a tasting of wine while they are there.

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Chairman Guttilla asked if they would also have music.

Mrs. Shanley stated that they would like to offer music on a Sunday afternoon.

Member Munson asked if they would be offering craft beer tastings as well.

Mrs. Shanley answered that this is something they might consider in the future.

Member Munson stated that he admired the investment that Mr. and Mrs. Shanley had made in the Village.

Member Munson then asked about the distance to the school.

Attorney Klein stated that as a Home Rule Municipality, there is not an issue with the location of the current elementary school and its distance to the Antique Shop if it is allowed to have a tasting room.

Member Munson then asked about the requirements of an establishment to obtain gambling machines and whether the Class G Liquor License would allow the owner to add gaming machines to the property.

Attorney Klein stated that if they are issued a Class G license the owners could apply for a gaming license however, the Village could choose to restrict that to a Class A license.

Member Gift stated that Utica has held several successful Wine Walk Events and Clark Run Antiques have participated in them.

Mrs. Shanley agreed that they were successful when they participated in the Wine Walk at that location, so now they would like to have a more permanent Tasting Room.

Member Brown asked about the need for additional parking and increased traffic if they open a Tasting Room.

Mrs. Shanley stated that when their parking lot is full, people have been parking in the cul-de-sac as well as along the street and it's been working out well.

Member Gift asked if there are future plans to expand.

Mrs. Shanley stated that they will probably take down the old house near the property.

Member Chapman asked how many people can be served in the proposed Tasting Room.

Mr. Shanley stated that the area is approx. 30' X 35' and he can place approx. 6 tables with chairs in the space.

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Member Munson asked if they would have parties at this location.

Mr. Shanley stated that parties would continue to be held at the Clark Run Creed Mill St. location due to the additional space in the building.

Member Brown asked if they will be required to have an inspection completed by the Fire Department.

Attorney Klein stated that there are no planned changes to the structure, therefore they will not be required to have an inspection performed.

Member Munson asked if they will have additional signage.

Attorney Klein stated that the property is limited to the number / square ft. of signage they can have on the property.

Mr. Shanley stated that they would maybe change the content of the sign, but not the size or location.

Chairman Guttilla asked about the size of a beer tasting that can be offered with a Class G Liquor License.

Attorney Klein answered that beer tastings are limited to 4 oz. in a glass.

Chairman Guttilla asked if someone can taste the 4 oz. of beer and then purchase the bottle and drink the rest.

Attorney Klein stated that the current Class G Liquor License only allows a 4 oz. tasting. Craft Beer sales would have to be a package sale therefore, someone would not be able to purchase an opened bottle of beer after tasting and drink the rest, nor are they allowed more than a 4 oz. tasting.

Attorney Klein then explained the language of the current Ordinance requiring a Special Use for a bar or tavern in the C-1 District. There is no separate definition for a Tasting Room, therefore it is defined as a bar or tavern. An amendment to the Ordinance could be considered to further define Tasting Rooms, however that would require Board approval.

Chairman Guttilla asked if anyone else wanted to speak in favor or in opposition of the Petition.

Village Trustee Debbie Krizel stated that she thinks that both of the businesses are beautiful and a wonderful addition to the community. She asked Mr. and Mrs. Shanley if they had reviewed any other ideas to bring in additional business. She also asked if they had explored

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any other avenues to add something other than alcohol and bring in more diversity, especially since the Antique Shop is located within a neighborhood setting.

Mrs. Shanley stated that during the first year that the Antique Shop was opened, they offered only antiques. During the second year, they added other retail gifts to sell. However, there are times when it just isn't enough and since wine sells at their Mill St. location, they decided it would be a good addition to this location as well. It also brings in additional customers and gives them a place to sit for a bit. She also stated that they would not be open any later, however they just wanted to bring in additional revenue and wine sells, especially to tourists.

With no additional questions or comments, the Hearing was closed at 6:33 pm. Motioned by Member Brown, seconded by Member Munson.

All in Favor

Motion Carried

Attorney Klein reminded the Planning Commission of the factors that they should consider when making their recommendation to the Village Board.

****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 any 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.

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Member Gift motioned, seconded by Member Munson, to recommend granting a Special Use to allow a Tasting Room at property located at 215 N. Division St. and the Village Board would decide on the Liquor License Classification that they want to issue.

Discussion was held:

Member Gift stated that the Village approved Clark Run Antiques as a business within a residential neighborhood. They did what they said they would and they are good neighbors and an asset to the community. They also have another successful business in the community. Member Brown stated that in his opinion he felt that the location of a Tasting Room would be too close to the current elementary school. They are located within a neighborhood.

With no additional discussion, a roll call vote was taken by the Clerk.

5 Yes

1 No (Member Brown)

Motion Carried

A recommendation of granting a Special Use to property located at 215 N. Division St. will be made to the Village Board.

Approval of Minutes: It was motioned by Member Munson, seconded by Member Chapman to approve Minutes from the 7-12-17 meeting as presented.

All in Favor

Motion Carried

Old / New Business: Member Gift stated that he had been aware of the progress that Ottawa seems to have made with getting their portion of the I & M Canal dredged. This is something that was included in the new Comprehensive Plan and it would be nice if the Village could get the Utica portion of the Canal dredged as well.

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Village Trustee Ron Pawlak stated that the Village has been trying to move forward with a plan to clean out and dredge the Canal for many years. Unfortunately, the IDNR has not approved a plan to do so, nor have they committed to do anything. They have restricted the Village from obtaining a permit to dredge.

Mayor Stewart then stated that he has been actively working on a plan to dredge the Canal. The Village is trying to review data and put together a solid plan before speaking with IDNR again.

Member Gift thanked the Village for their persistence in getting the Canal cleaned out.

Member Gift also stated that he attended an IVAC event held at Grand Bear Lodge. They honored the emergency personnel and first responders group. He stated that Grand Bear Lodge, thankfully, did not have any rooms affected and that the water park will reopen tentatively in early summer.

With no additional business, the meeting was adjourned at 6:48 pm. Motioned by Member Brown, seconded by Member Zens.

All in Favor

Motion Carried

Respectfully submitted,

Laurie A. Gbur

Village Clerk