

VILLAGE OF NORTH UTICA

801 South Clark Street
North Utica, IL 61373
Planning Commission
Public Hearing
January 31, 2019
www.utica-il.gov

AGENDA

I. **6:00 p.m.** Call to Order

II. Pledge of Allegiance

III. Roll Call

IV. Continued -Public Hearing - 6:00 pm:

- 1.) Petition of Mr. Eric J. Bara, owner of Property located at 209 Woodland Dr., Oak Bluff Estates Subdivision, Utica, IL, seeking Variances for the construction of an approximate 1,800 sq. ft. accessory building including a detached Garage in the R-1 District.
 - a) A Variance to allow the maximum floor area of all garages to exceed 1,200 square feet;
 - b) A Special Use to allow an accessory building;
 - c) For such other relief as is necessary to allow the intended use.
- 2.) Discussion and Possible Recommendations of the Planning Commission regarding such Hearing.

V. Continued - Public Hearing – 6:15 pm:

- 1.) Petition of Mr. Prahik Patel, Utica Market, Inc. Petitioner and Jignesh Patel, Biren Patel and Dilip Patel, collectively as the Owners of property generally located at 130 Mill St., Utica, IL, in the C-1 District, seeking a Special Use to allow retail use of the property.
 - a) A Special Use to allow retail use as a convenience retail store, including grocery items;
 - b) For such other relief as is necessary to allow the intended use.
- 2.) Discussion and Possible Recommendations of the Planning Commission regarding such Hearing.

VI. Consideration of Approval of Minutes: 11-29-18

VII. Old / New Business

VIII. Public Comment

IX. Adjournment

POSTED 01-28-19

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MINUTES

At 6:04 pm the Planning Commission meeting 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 Members Doug Gift, Mike Brown, Dennis Hamilton, Warren Munson, Roy Chapman and Bill Zens. Member Bill Fry was absent from the meeting. Village Attorney Herb Klein and Village Engineer Kevin Heitz also attended the meeting.

Attorney Klein provided a brief summary about the Continued Hearing for the Petition of Mr. Eric J. Bara, owner of Property located at 209 Woodland Dr., Oak Bluff Estates Subdivision, Utica, IL, seeking Variances for the construction of an approximate 1,800 sq. ft. accessory building including a detached Garage in the R-1 District. The meeting had been continued from 9-27-18.

Mr. Bara was then sworn in to provide Testimony.

Mr. Bara stated that after the September 2018 meeting, and based on comments provided by his neighbors, Don Robey and Mark Stoneking, he had decided to research the construction of an attached garage instead of the previously proposed detached Morton style building. The new construction would be approx. 1,058 sq. ft. and directly attached to the north side of the existing garage.

Chairman Guttilla asked Mr. Bara if he had any further conversations with Mr. Stoneking regarding his new construction plans.

Mr. Bara stated that he has spoken with Mr. Stoneking and that the new plan is based on Mr. Stoneking's suggestions at the September meeting.

Chairman Guttilla asked if there would be any additional construction near the existing swimming pool.

Mr. Bara stated that he will not be constructing anything near the pool and that the proposed changing area will now be located inside the new garage attachment at the front of the property.

Attorney Klein then stated that the Village's Zoning Ordinance only allows for up to 1,200 sq. ft. in total garage space. The current garage is 1,080 sq. ft. and the new construction would be 1,058 sq. ft. which would exceed the maximum allowed by Ordinance.

Mr. Bara was asked about landscaping and he stated that the landscaping around the new construction will be largely the same as the landscaping near the existing garage.

Member Munson asked about doors on the new construction.

Mr. Bara stated that there will only be entrance 'man' doors on the West and South sides of the building.

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

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Mrs. Linda Moyer-Halm, 780 N. 2853rd. Rd., Utica, asked Mr. Bara about the plans for the inside of the garage. Mr. Bara stated that it would be utilized primarily for extra storage.

With no additional Testimony or questions, it was motioned by Member Zens, seconded by Member Brown to close the Public Hearing at 6:22 pm.

6 Yes

Motion Carried

Attorney Klein presented the Findings of Fact for the Planning Commission to consider before making their recommendation to the Village Board.

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 Zens, seconded by Member Hamilton to recommend that a Variance be granted for the construction of a new garage addition on property located at 209 Woodland Dr., Utica.

6 Yes

Motion Carried

Member Gift then thanked Mr. Bara for changing his design and the location of the garage he was going to construct in consideration of the concerns of his neighbors.

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At 6:30 pm, Attorney Klein provided a brief summary of the Petition of Mr. Prahik Patel, Utica Market, Inc. Petitioner and Jignesh Patel, Biren Patel and Dilip Patel, collectively as the Owners of property generally located at 130 Mill St., Utica, IL, in the C-1 District, seeking a Special Use to allow retail use of the property for the operation of a Market. The Public Hearing had been continued from November 2018.

Mr. Jignesh Patel was sworn in to provide Testimony.

Mr. Patel stated that he would like to lease the property to Prahik Patel for the purpose of opening a grocery market. He and his partners have owned the property since 2008 as Utica Market, Inc. They had leased it to someone in the past, however it was not run properly. The new lessee will operate the market like it should be operated. Employees will be hired from Utica residents.

Mr. Prahik Patel, Lessee and Mr. Biren Patel, owner were both sworn in to provide Testimony.

Mr. Prahik Patel stated that he would like to open the market as a small convenience grocery store. He would like to open tentatively by the end of February.

Mr. Zens asked when the market was last occupied.

Mr. Jignesh Patel answered that the previous lessee closed in 2017.

Member Gift asked if there would be a deli.

Mr. Prahik Patel stated that he will be having a deli serving fresh sandwiches.

Chairman Guttilla asked about the size of the property.

Mr. Jignesh Patel stated that he believes it is over 3,000 sq. ft.

Engineer Heitz stated that the inside of the building is approx. 3,900 sq. ft.

Attorney Klein stated that the current Ordinance only allows for a Special Use to be granted in the C-1 district for retail spaces with a maximum of 3,000 sq. ft., therefore an amendment to the Zoning Ordinance would have to be considered before a Special Use could be granted for the operation of the market.

Member Gift suggested the amendment include spaces with a maximum of 4,000 sq. ft.; the other Members agreed with the suggestion.

Chairman Guttilla then asked if there was anyone that would like to speak in favor or in opposition of the Petition.

Mrs. Linda Moyer-Halm, 780n, 2853rd Rd., Utica, spoke in favor of the Petition stating that the market has always been a good business in Utica and it will be nice to have it back in the community again.

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Member Zens asked if the market will sell alcohol.

Mr. Prahik Patel answered yes, the market will sell packaged liquor.

Mrs. Debbie Krizel, Village Board Trustee, asked if the market will be affiliated with any grocery suppliers or a franchise.

Mr. Jignesh Patel answered that they are looking at that but they will remain independent for now.

There was no one that spoke in opposition of the Petition.

With no additional Testimony or questions, the Public Hearing was closed at 6:40 pm. Motioned by Member Brown, seconded by Member Chapman.

All in Favor

Motion Carried

Attorney Klein again presented the Findings of Fact for the Planning Commission to consider before making a recommendation to the Village Board.

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 Gift, seconded by Member Zens to recommend amending the Zoning Ordinance (sec.10-8A-3) to allow for a maximum of 4,000 floor area for retail operations as a Special Use in the C-1 District.

6 Yes

Motion Carried

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It was then motioned by Member Brown, seconded by member Zens to recommend granting a Special Use for the purpose of operating a market as retail space on property located at 130 Mill St. in the C-1 District.

6 Yes

Motion Carried

Minutes: It was then motioned by Member Brown, seconded by Member Gift to approve the Minutes from the 11-29-18 Planning Commission Meeting.

All in Favor

Motion Carried

Old Business / New Business: Chairman Guttilla asked when the Planning Commission will begin the process of reviewing the Zoning Ordinance to considering amending some of the information.

Village Clerk Gbur reminded the group that the Village Board had referred the task to the Planning Commission to review Permitted and Special Uses in the Commercial Districts as well as information regarding the construction of garages and accessory buildings. Additionally, other items in the Zoning Ordinance may also need review so it will be a lengthy process. Since there will be discussion and possible changes to the Zoning Ordinance, the information requires publishing prior to the meeting. Therefore, the Planning Commission will tentatively begin the review at the 2-28-19 meeting.

Public Comment: Mrs. Linda Moyer-Halm, 780 N. 2853rd Rd., Utica, asked if there had been any reports of any cold weather-related issues within the Village due to the extreme temperatures.

Village Clerk Gbur stated that the Village is unaware of any issues at this time.

With no additional business, the meeting was adjourned at 6:51 pm. Motioned by Member Munson, seconded by Member Brown.

All in favor

Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk

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