

**VILLAGE OF NORTH UTICA**  
248 W. Canal St, North Utica, IL 61373  
Planning Commission  
Public Hearing  
February 24, 2022  
[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. Consideration of the Petition of Paul Gilbertson, proposed Tennant, and Dale Senica, Owner of property located at 142 Mill St., Utica, IL, 61373. The Petitioners are seeking a Special Use and other requests regarding the operation of a Tattoo and Piercing Parlor on the property which is located in the C-1 Zoning District.
    - a. It is proposed that the Zoning Code of the Village of North Utica, Section 10-8B-3, be amended to create and allow as a Special Use in the C-1 Zoning District, the operation of a Tattoo and Piercing Parlor.
    - b. It is proposed that the Petitioner be granted a Special Use under Section 10-8B-3 of the Village of North Utica Zoning Code to grant the operation of a Tattoo and Piercing Parlor on property located at 142 Mill St., Utica, IL, 61373; Property is zoned C-1.
    - c. It is proposed that the signage, as indicated in the Petition, as well as any necessary Variances, be approved.
    - d. It is proposed that Design Review approval be granted, as the property is located in the Downtown Design Area in the Village of North Utica, in the C-1 Zoning District.
    - e. 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. **6:15 Public Hearing:**
  1. Consideration of the Petition of Hive Holdings, LLC and Bier Garten, LLC as Owner and Petitioner. Such are the successors in interest to Lucas Goucher and Railside Real Estate, LLC. Petitioner is seeking to amend a previously granted Special Use under the Village of North Utica Zoning Ordinance, Section 10-8A-3, regarding the operation of an Outdoor Seasonal Bar and such Signage and Art Display Variances as necessary. The Tract of land affected is at the southwest corner of Canal St. and Mill St., Utica, IL, 61373. The property is zoned C-1.

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- A. It is proposed that the Petitioners be granted an amendment to the Special Use approved previously by Village of North Utica Ordinance 2021-13 as follows:
- a.) To delete the prohibition on amplified sound as stated in Section d. of the Special Use; and
  - b.) To delete the limitation in hours of operation as stated in Section f. of the Special Use; and
  - c.) To receive such signage and / or art Variances as necessary; and
  - d.) For such other relief, including consent to the new Ownership / Petitioner, that is necessary to allow the Petitioner's intended use of the property.

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

VI. Consideration and Possible Action on Planning Commission Meeting Minutes: 01-27-2022

VII. Old / New Business

VIII. Public Comment

IX. Adjournment

POSTED 02-22-2022

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MINUTES

At 6:06 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 were Members Doug Gift, Mike Brown, Bill Zens, Warren Munson, Roy Chapman and Andy Skoog. Member Dennis Hamilton was absent from the meeting. Also present were Village Attorney Herb Klein and Village Engineer Kevin Heitz.

Attorney Klein provided a brief summary of the Petition of Paul Gilbertson, proposed Tennant, and Dale Senica, Owner of property located at 142 Mill St., Utica, IL, 61373. The Petitioners are seeking a Special Use and other requests regarding the operation of a Tattoo and Piercing Parlor on the property which is located in the C-1 Zoning District.

Village Exhibit #1 – Legal Notice of Public Hearing published on February 9, 2022.  
Petitioner’s Exhibit #1 – Petition seeking Special Use and related paperwork.

Mr. Paul Gilbertson was sworn in to provide Testimony.

Mr. Gilbertson stated that he is seeking approval for the operation of a Tattoo & Piercing Parlor at 142 Mill St.; he is leasing the property from Mr. Dale Senica.

Mr. Gilbertson stated that he has over twenty years of experience as a Tattoo Artist, with much of that experience taking place in the local area. He would like to use his talents and local clientele to bring a Tattoo Parlor to Utica. Tattoo Parlors typically bring in many people that would help to promote additional business in the community. He would begin with opening the Tattoo Parlor and add Piercing at a later date after he’s been established for a period of time. His wife, Shanna as well as an apprentice will be providing the Tattoo services in the shop.

Mr. Dale Senica was then sworn in to provide Testimony.

Mr. Senica, owner of the property located at 142 Mill St., stated that he believes that a Tattoo Parlor would be a great fit for Utica. The building is a good size that will fit the needs of the Tattoo Parlor and the back of the building will be utilized by someone that would like to have an art gallery.

Mr. Gilbertson stated that the Tattoo Parlor would be a family business; he is not seeking a liquor license.

Chairman Guttilla asked Mr. Gilbertson if he is licensed as a Tattoo Artist.

Mr. Gilbertson stated that he is licensed within his current location; He will require inspections and certifications from the State of Illinois and from LaSalle County Health Dept. in his new location. The employees in the Tattoo Parlor will require certification in blood born pathogens to be able to provide services for Tattoo Art in the shop. A separate license is required to be able to apply permanent make up however he will not be offering that.

Chairman Guttilla asked if training is needed.

Mr. Gilbertson stated that there is no training needed; inspections and certifications in blood born pathogens are what is required.

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MINUTES

Member Gift asked if the property is a small building.

Mr. Senica answered, "it will be the perfect size for what he (Mr. Gilbertson) is looking to do."

Mr. Senica then stated that the building was once used for a Dr.'s Office and there are a couple of separate rooms that will be perfect for the Tattoo Parlor.

Member Gift asked Mr. Gilbertson if he had looked at any other properties in the Village.

Mr. Gilbertson stated that he had looked at a property in the strip mall on the south end of the Village however, it is much smaller and it doesn't have a restroom which is necessary.

Member Gift then stated that it would seem that the property being considered for the Tattoo Parlor is no likely a size for a bar or retail space.

Mr. Senica agreed and then stated that he has plans to add on to the back of the building and dig out the basement so that an art gallery could use the space. The Tattoo Parlor will occupy the front half of the building.

Chairman Guttilla asked Mr. Gilbertson if the space will be large enough for the Tattoo & Piercing Parlor.

Mr. Gilbertson stated that there is some additional space available in the back, a small room, that can be utilized for piercing once he begins offering that at a later date.

Attorney Klein asked Mr. Senica if he plans to add on to the building in the future.

Mr. Senica answered, "yes; he plans to add on approx. ten feet to the back of the building."

Engineer Heitz stated that the building (142 Mill St.) is approx. 20 ½' wide X 56' long and it seems to be large enough for this type of business.

Member Gift asked Attorney Klein if the Special Use would be limited to only Mr. Senica's property.

Attorney Klein stated that Tattoo & Piercing Parlor would need to be added as a Special Use in the C-1 Zoning District and then a Special Use would be granted for operations of a Tattoo & Piercing Parlor on the property. The Planning Commission could also recommend adding a Tattoo & Piercing Parlor as a Special Use in the C-2 and / or C-3 Zoning District(s) as well.

Member Skoog stated that Tattoo Shops and Tattoo Art are becoming more popular now. There are professional looking Tattoo Shops in a lot of communities; Wisconsin Dells as an example. "Mr. Gilbertson has submitted a picture of his signage and what he's doing looks very professional."

Member Munson asked about the insurance requirements that are necessary to operate a Tattoo & Piercing Parlor.

Mr. Gilbertson stated that he would be obtaining general liability insurance. He also stated that clients are provided with paperwork outlining the care instructions that are needed for the healing process after receiving a tattoo.

Attorney Klein asked Mr. Gilbertson if he is using his name and an LLC for the business, or if he has established a different name for the Tattoo Parlor.

Mr. Gilbertson stated that the business would be named Starved Rock Tattoo Company.

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Planning Commission  
Public Hearing  
February 24, 2022  
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MINUTES

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

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

At 6:37 pm the Public Hearing was closed. Motion made by Member Brown, seconded by Member Zens.

After some discussion among the Planning Commission, Attorney Klein presented the Findings of Fact for consideration when considering a Special Use. They are 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 motioned by Member Munson, seconded by Member Skoog to recommend approval of amending the Zoning Ordinance to add a Tattoo & Piercing Parlor in the Commercial District(s).

6 Yes

Motion Carried

It was then motioned by Member Brown, seconded by Member Zens to recommend approval of granting a Special Use to Paul Gilbertson, proposed Tennant, and Dale Senica, Owner of property located at 142 Mill St., Utica, IL, 61373. for the operation of a Tattoo & Piercing Parlor.

6 Yes

Motion Carried

The Village Board will consider the Petition at the March 10, 2022 Board of Trustees Meeting.

At 6:44 pm, Attorney Klein provided a brief summary of the Petition of Hive Holdings, LLC and Bier Garten, LLC as Owner and Petitioner. Such are the successors in interest to Lucas Goucher and Railside Real Estate, LLC. Petitioner is seeking to amend a previously granted Special Use under the Village of North Utica Zoning Ordinance, Section 10-8A-3, regarding the operation of an Outdoor Seasonal Bar and such Signage and Art Display Variances as necessary. The Tract of land affected is at the southwest corner of Canal St. and Mill St., Utica, IL, 61373. The property is zoned C-1.

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Planning Commission  
Public Hearing  
February 24, 2022  
[www.utica-il.gov](http://www.utica-il.gov)

MINUTES

Village Exhibit #1 - Legal Notice of Public Hearing published on February 9, 2022.

Petitioner's Exhibit #1 - Petition seeking amendment of previously granted Special Use and related paperwork.

Attorney Klein stated that the Petitioners are seeking amendment of the previously granted Special Use (Ordinance 2021-13) for the operation of an outdoor Bier Garten located at 101 Canal St. Utica, IL 61373. They are seeking the following amendments:

1. To delete the prohibition on amplified sound as stated in Section d. of the Special Use and;
2. To delete the limitation in hours of operation as stated in Section f. of the Special Use and;
3. To receive such signage and / or art Variances as necessary and;
4. For such other relief, including consent to the new Ownership / Petitioner, that is necessary to allow the Petitioner's intended use of the property

Mr. Luke Goucher was sworn in to provide Testimony.

Mr. Brandon Harris was sworn in to provide Testimony.

Mr. Harris provided the Planning Commission with copies of the proposed art, and renderings and images of the outdoor Bier Garten property and proposed signage.

Mr. Goucher provided a brief summary regarding the art that will be painted for display on the conex box (shipping container) located on the property.

Mr. Goucher stated that many different ideas were considered as they came up with a finalized concept for the art that will be displayed on the side of the conex box. The proposed art features an outlined image of a surveyor, representing Utica Founder, James Clark, surrounded by abstract illusions of water, representing the I & M Canal. When the weather breaks in the spring, the local artist will begin the project.

Mr. Goucher then stated that they would like for the Planning Commission and the Board to amend the Special Use to allow for outdoor music and year-round operation. They will also be seeking an annual Brew Pub Liquor License. They would like to be able to be able to open earlier in the season, and to be able to be open during more of Utica's Events including the Winter Wine Walk, and they would like to remain open for a longer period of time during the continuing warm weather of the fall season. Currently they are required to follow the seasonal operating hours of the outdoor dining on Mill St. They are on private property and would like to be permitted to operate annually like any other private business; with weather permitting. They will be installing heaters to help with the cooler seasonal weather and they would like to have the ability to have music. Typically, they would like to be open from early in April until after the Veterans Parade. As winter approaches, they will continue to winterize the plumbing and restrooms, however, they would like to be able to be open during the Winter Wine Walk, weather permitting.

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248 W. Canal St, North Utica, IL 61373  
Planning Commission  
Public Hearing  
February 24, 2022  
[www.utica-il.gov](http://www.utica-il.gov)

MINUTES

Mr. Goucher also stated that because a Seasonal Liquor License doesn't allow for them to transport their own product, they would like to obtain an annual Brew Pub Liquor License. They would save approx. 30% by being able to transport their own product. He then stated that they would also like to be permitted to have music at their location. Although there is music on Mill St during the seasonal outdoor dining, the Bier Garten is located at the other end of the street on private property. The current Special Use restricts amplified sound therefore, they are seeking amendment to be able to have music.

Mr. Harris then stated that the Bier Garten has become a very family friendly experience for visitors and they believe that this would add to that experience. It does not create a nuisance and they would abide by the regulations that the Village has set forth in the Sound Amplification Ordinance.

Member Gift asked where the music would be faced; toward the residential properties?

Mr. Goucher stated that there is a permanent stage that faces the road.

Mr. Harris stated that they would like to be able to be open to offer visitors an experience and to take advantage of some additional events being held in the Village. They are seeking amendment to the Special Use to be able to operate annually, weather permitting.

Chairman Guttilla asked if they participated in the 2022 Winter Wine Walk held in February.

Mr. Goucher stated that they were able to participate, however they were set up in the Village Administrative Building this year.

Member Brown asked if they are currently operating on the same schedule as the seasonal outdoor dining.

Mr. Goucher answered, "yes; however, we are on private property so we would like to be able to operate annually."

Member Munson stated that he believes that the Petitioners should be abiding by their original agreement which is regulated by their Special Use received in 2021. He then stated that the Bier Garten was not open for an entire season to be able to determine that changes are needed. Construction took a very long time and they opened late in the season which was not affected by the Village.

Mr. Goucher stated that the construction of the Bier Garten proved to be a larger burden than was originally perceived. The Construction took longer as a result of weather and material delays.

Member Munson stated that he believes the Bier Garten should be in operation for one year and throughout an additional season, for the Planning Commission to consider making changes to the original agreement.

Mr. Goucher stated that the construction of the Bier Garten is exactly what was presented in 2021. The schedule for that construction caused a significant delay in opening. Mr. Goucher then stated, "After opening at the end of 2021 season and being in operation for approx. 5 weeks, we believe that we were able to identify areas that need to be changed to offer an even better family experience and to be able to run a successful business."

**VILLAGE OF NORTH UTICA**  
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Planning Commission  
Public Hearing  
February 24, 2022  
[www.utica-il.gov](http://www.utica-il.gov)

MINUTES

Member Brown asked Mr. Goucher if the Bier Garten is a separate business from Lodi Tap House located on Mill St. and whether the Bier Garten participates in seasonal outdoor dining.

Mr. Goucher answered, “Yes, we are separate business. The Bier Garten is a separate business and we do not have a space on Mill St and we do not participate in outdoor dining.”

Member Munson stated that the restroom doesn’t look right or fit in with everything that is there on the property.

Mr. Goucher stated that everything has been constructed per the same design that was presented to the Planning Commission in 2021.

Mr. Goucher stated that they would like to have an experience that appeals to the whole community. There are family friendly games and fire pits and the additional of music would add to the current experience of the Bier Garten. Mr. Goucher added, “We are not looking to do anything that would be outside of the current regulations of the Sound Ordinance, however it’s not easy to find musicians that don’t use an amplifier.

Member Skoog stated that many of the businesses offer acoustic music.

Chairman Guttilla stated that sometimes, when people are talking, the music becomes more of a background thing.

Member Zens asked about limits and regulations of the Sound Amplification Ordinance and whether it is regulated for noise pollution.

Director of Village Affairs, Jamie Turczyn, stated that the Village accepts applications for sound amplifier permits. The Village allows amplified music on other privately owned commercial properties in the Village; some businesses also submit an application for a summer permit. There are specific hours that sound amplification is permitted; Monday through Saturday it is permitted from 8 am through 10 pm and on Sunday it is permitted from 8 am – 6 pm.

Member Zens asked if there is a difference in regulations for Public Property vs Private Property.

Attorney Klein stated that the Sound Amplification Ordinance regulates sound in the Village as follows: to maintain or operate any loudspeaker or amplifier connected with any radio, phonograph, microphone or other device by which sounds are magnified and made heard over any public street or public place without having first secured a license from the Village.

Mr. Goucher stated that the Bier Garten is not looking to do anything that would fall outside of the Villages’ Sound Amplification Ordinance or regulations. They are looking for approval to be able to apply for a Sound Amplifier Permit so that they can add music to the experience that they are offering. They want to work with the other local businesses to come up with a schedule so that music doesn’t overlap.

Mr. Harris agreed and stated that he would like to have a community calendar that would establish a schedule for music.



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Planning Commission  
Public Hearing  
February 24, 2022  
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MINUTES

Member Munson raised some concerns about how amplified noise would affect residents, especially elderly people that live in closer proximity to the downtown.

Member Gift stated that the Village already has a Sound Amplification Ordinance regulating the amplified music. "As a private business, the Bier Garten should be permitted to apply for a permit just like any other private business."

Member Gift then asked Mr. Goucher and Mr. Harris if they are willing to work out a schedule to have music in the area with the businesses participating in outdoor dining.

Mr. Goucher answered, "Yes."

Member Brown asked Attorney Klein why the Planning Commission is considering the Petitioner's request regarding sound amplification.

Attorney Klein reminded the group that the conditions set forth in the original Special Use stated that the Bier Garten was not permitted to have amplified sound or music on their property.

Member Brown stated that there have been complaints in the Village about the sound amplification downtown already so he would be reluctant to add more.

Member Zens stated that if everyone is working out a schedule that would be mutually agreeable, then they aren't adding to the number of days that music is permitted, they are just agreeing on a schedule for music to be played during the time that is already available during the season.

Chairman Guttilla asked Attorney Klein to provide a brief summary of the Petitioner's requests that the Planning Commission is considering.

Attorney Klein stated that the Petitioners are seeking amendments to their original Special Use as follows:

1. To delete the prohibition of sound amplification
2. To delete the limitation of hours of operation

Chairman Guttilla asked about the Petitioner's request to seek an annual Brew Pub Liquor License.

Attorney Klein stated that the request to seek a different Liquor License is something that the Board of Trustees has to consider; it is not a matter that the Planning Commission considers.

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

Mrs. Jen Cetwinski was sworn in to provide Testimony.

Mrs. Jen Cetwinski, owner of Bruce & Ollies in Utica, stated that she was in favor of coordinating a schedule for music for the season.

Ms. Kelly Waters was sworn in to provide Testimony.

Ms. Kelly Waters, owner of Skoog's Pub & Grill in Utica, agreed. She also stated she is in favor of the Bier Garten being allowed to stay open. "It will help all of the businesses downtown if the Bier Garten is allowed to stay open after the outdoor dining season closes."

**VILLAGE OF NORTH UTICA**  
248 W. Canal St, North Utica, IL 61373  
Planning Commission  
Public Hearing  
February 24, 2022  
[www.utica-il.gov](http://www.utica-il.gov)

MINUTES

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

Chairman Guttilla asked Mr. Goucher if they planned to be open in the winter.

Mr. Goucher stated that it's unlikely, other than during the Winter Wine Walk and possible other Village events.

Member Skoog asked Mr. Goucher if there was a possibility to tent and heat the property to be able to be open sometimes during the winter.

Mr. Goucher stated that they really don't have plans to be open during the winter season. Ideally, they would like to be open after April 15<sup>th</sup> each year and then remain open until after the Veteran's Parade.

Trustee Jim Schrader was sworn in to provide Testimony.

Trustee Schrader stated that if an amendment to the Sound Amplification Ordinance was needed, there is time to get that done prior to live music beginning on Mill St.

With no additional questions or comments, the Public Hearing was closed at 7:40 pm. Motioned by Member Munson, seconded by Member Zens.

6 Yes

Motion Carried

Member Zens made a Motion to recommend approval of the Petitioner's requests to amend the Special Use (Ord, 2021-13), to delete the prohibition of amplified sound, to delete the limitation of hours of operation and to include recommendation of approval of the art on the conex box as presented.

After some discussion, the Motion failed due to a lack of a second.

Motion was then made by Member Munson, seconded by Member Brown to recommend that the Petition be denied and the Petitioner's would be required to abide by the conditions set forth in the original Special Use that was granted in 2021. (Ordinance 2021-13)

Discussion was held among the Planning Commission.

Member Munson then withdrew his Motion.

A Motion was then made by Member Zens to recommend modifying the Special Use to allow amplified sound and music, subject to Village regulations, to recommend approval of hours of operation that would be permitted year-round, and to prohibit enclosing the Bier Garten structure. The Motion was seconded by Member Gift.

6 Yes

Motion Carried

Minutes: It was motioned by Member Zens, seconded by Member Munson to approve the Minutes from the January 27, 2022 Planning Commission Meeting.

All in Favor

Motion Carried

**VILLAGE OF NORTH UTICA**  
248 W. Canal St, North Utica, IL 61373  
Planning Commission  
Public Hearing  
February 24, 2022  
[www.utica-il.gov](http://www.utica-il.gov)

MINUTES

Old Business / New Business: NONE

Public Comment: NONE

With no additional business, the meeting was adjourned at 7:53 pm. Motioned by Member Skoog, seconded by Member Brown.

All in Favor  
Motion Carried

The next meeting of the Planning Commission will be held on Thursday, March 24, 2022 at 6 pm.

Respectfully submitted,

Laurie A. Gbur  
Village Clerk