

**VILLAGE OF NORTH UTICA**  
**248 W. Canal St, North Utica, IL 61373**  
**Planning Commission - Public Hearing**  
**May 26, 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. For the purpose of Considering and hearing Testimony as to possible amendments regarding the Village of North Utica Zoning Ordinance at Section 10-15-1 et. seq., regarding Signs. The proposed changes under consideration include, but are not limited to:
    - a. Regulations regarding Definitions (10-15-2);
    - b. Regulations regarding Temporary Portable Signs (10-15-3F.2.e);
    - c. Regulations affecting Illuminated Signs (10-15-4A);
    - d. Regulations regarding Wall Business Signs (10-15-7C);
    - e. Regulations affecting Signs requiring a Special Use, including Advertising Signs, Billboards and Offsite Signage (10-15-8);
    - f. Regulations regarding Single Pole Banner Signs and Temporary Signs (10-15-9);
    - g. Any and all other amendments to Ordinances regulating Signs and Village Ordinances, necessary to effectuate any changes.
  2. Discussion and Possible Recommendations of the Planning Commission regarding such Hearing.
- V. **6:30 Public Hearing:**
  1. For the purpose of Considering and hearing Testimony regarding a Petition for the Zoning of Property, contingent upon the terms of a Pre-Annexation Agreement between 71178 Corner LLC, an Illinois Limited Liability Company, and the Village of North Utica, for property located at 799 E. State Route 71, Utica, IL 61373.
    - a. It is proposed that the property located at 799 E. State Route 71, Utica, IL 61373, be zoned C-3 Highway Commercial District, under the Village of North Utica Zoning Ordinance, upon Pre-Annexation of the property to the Village of North Utica, pursuant to Village Ordinance. The proposed Zoning may be changed, withdrawn, altered, modified or amended after the Public Hearing.
  2. Discussion and Possible Recommendations of the Planning Commission regarding such Hearing.
- VI. Consideration and Possible Action on Planning Commission Meeting Minutes: 04-28-2022
- VII. Old / New Business
- VIII. Public Comment
- IX. Adjournment

POSTED 05-24-2022

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MINUTES

At 6:08 pm the 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 and Andy Skoog. Members Bill Zens, Dennis Hamilton and Warren Munson were absent from the meeting. Also present were Attorney Herb Klein, Engineer Kevin Heitz, Public Works Director Curt Spayer and Police Chief Rodney Damron.

Attorney Klein provided a brief summary of the Legal Notice, published on May 10, 2022, which was then entered into the Record as Village Exhibit #1. Attorney Klein also provided a summary of the Rules of Order that the Village follows during a Public Hearing. The Planning Commission will be considering and hearing Testimony as to possible amendments regarding the Village of North Utica Zoning Ordinance at Section 10-15-1 et. seq., regarding Signs. There are areas within the Ordinance that may require amendment and there are certain types of signs that have not yet been addressed. The proposed changes under consideration include, but are not limited to:

- a. Regulations regarding Definitions (10-15-2);
- b. Regulations regarding Temporary Portable Signs (10-15-3F.2.e);
- c. Regulations affecting Illuminated Signs (10-15-4A);
- d. Regulations regarding Wall Business Signs (10-15-7C);
- e. Regulations affecting Signs requiring a Special Use, including Advertising Signs, Billboards and Offsite Signage (10-15-8);
- f. Regulations regarding Single Pole Banner Signs and Temporary Signs (10-15-9);
- g. Any and all other amendments to Ordinances regulating Signs and Village Ordinances, necessary to effectuate any changes.

Mayor David Stewart was sworn in to provide Testimony.

Mayor Stewart provided a brief summary regarding the sign categories that the Planning Commission will be reviewing. Because the Sign Ordinance has not been fully reviewed in several years, and because there are new styles of signage available now, it's time to take a look at what things may need to be updated or amended and what things we may want to consider adding. The sign categories that we want to review include off-premise signage, A-frame signs, banner pole / wind flag signs, LED signs and signage comprised of individual letters. The Village wants to be able to allow local businesses the opportunity to promote their business while maintaining a clean look throughout the community. The Village is also currently looking into the possibility of installing vinyl sidewalk signs that would also help to promote our businesses.

Chairman Guttilla suggested that the Planning Commission choose a type of sign or an area within the Ordinance to review and proceed with one category at a time as it will take quite some time to review the entire Village Sign Ordinance. Attorney Klein agreed. The group began by reviewing Single Pole Banner Signs. Attorney Klein stated that the definition of a Single Pole Banner Flag is not currently included in our Ordinance. If the Village is going to consider allowing these signs, we would have to define it in the Ordinance and determine the regulations of such. Regulations to be considered are limiting the number allowed per business or property, deciding if they will be permitted in specific zoning districts, limiting the size of the Banner Flags and whether they would be considered a temporary sign such as for events or sales or whether they would be allowed permanently.

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Chairman Guttilla asked the group if the Single Pole Banner Flags would be a distraction to drivers due to their height and proximity to the road.

Mayor Stewart stated that there are several businesses who currently have this style of signage; some of those businesses have more than one, but there are also areas where they can't be used such as downtown where they are limited in space in front of their buildings. Therefore, some businesses have them and some would not.

Member Skoog stated that the Planning Commission could recommend that this style of signage be eliminated and that would provide more consistency throughout the community.

Member Brown agreed and stated that the Village has a nice view when driving through town and adding a lot of Banner Flag Signs would be more of a distraction.

Pam Shanley, owner of Clark Run Antiques on Division St. in Utica, was sworn in to provide Testimony. Ms. Shanley stated that she currently has a Single Pole Banner Flag sign. When IL Rt. 178 was realigned, the road changed the route that moves traffic through town. The road used to pass in front of her business, however now there is property in between. This makes it difficult to let people know that the business is there, and these Flags help catch the attention of visitors.

Member Skoog asked Ms. Shanley how many Flags she currently has.

Ms. Shanley answered that she has one Flag, however in the past she has used as many as three.

Mary Pawlak, Village Board Trustee and Utica resident, was sworn in to provide Testimony.

Ms. Pawlak stated that she believes signage is necessary to help get people to stop and to come into our local businesses. She then stated, "Our businesses need help and these signs make sure that people know that they are here; we don't want hundreds of them on the main road, but I think we should help our businesses."

Seth Branden, owner of Country Kids Produce in Utica, was sworn in to provide Testimony.

Mr. Branden stated that they use these types of Banner Flags to rotate throughout the seasons to let people know what they are offering; for example, sweet corn, tomatoes or fruit. The Banner Flags help to catch the attention of people driving by and hopefully it makes them want to stop. He stated that the Utica Location would like to use up to four of the Flags which is the number that they are using at their location on Plank Rd. in Peru.

Member Gift asked where the four Banner Flag signs would be located.

Mr. Branden stated that they would be located near the sidewalk in the front of the building facing Rt. 178.

Member Gift asked if a single sign placed on the property with the word 'Produce' on it would be sufficient.

Mr. Branden stated that rotating flags throughout the season grabs attention and alerts people to what is currently in season and available.

Megan Brown, owner of Starved Rock Entertainment in Utica, was sworn in to provide Testimony.

Ms. Brown stated that these Banner Flags are needed to draw attention to traffic as it passes by on the way to the State Park. Although she is not currently using the Banner Flags, she would like to put one up near the main road. She stated that she believes that allowing businesses to advertise near the main road is a good idea and should be permitted. She then stated, "Many businesses that are set back off of the main road, like ours, are trying to get people into their business and this would really help."

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Roxanne Neurohr, owner of Roxie's Sweet Confections in Utica, was sworn in to provide Testimony. Ms. Neurohr stated that she is currently using three Banner Flags. Her business is located at the south end of town in the strip mall and the Banner Flags help attract people that might otherwise pass by; It helps to let people know what's there.

Chairman Guttilla asked Ms. Neurohr if the flags are in front of the business.

Ms. Neurohr stated that the flags are in front of the parking lot near the street.

Chairman Guttilla stated that due to the size and location of the flags, they could be a distraction to drivers.

Attorney Klein stated that if the Zoning Enforcement Officer determines that the location is a hazard, the Board could give him the authority to have them removed.

Jamie Wallace was sworn in to provide Testimony.

Mr. Wallace stated that the Banner Flags can be used to let people know what businesses are coming, drawing attention to a business and making people want to stop.

Chairman Guttilla asked the Planning Commission Members to discuss the regulation of Single Pole Banner Flags.

Member Gift stated that if they are allowed, it should be that the business can only advertise what's there and not their neighbors' business; no off-premise flags should be allowed.

Member Gift that the Village would not want to have them placed on every property throughout the Villages' commercial corridor through town.

Member Brown agreed and stated that the number of Banner Flags should be limited and allowed only in certain areas.

Ms. Shanley stated that they are being used to attract tourists coming through that aren't familiar with our businesses.

Chairman Guttilla stated that the issue is that while the Village wants to help local businesses, we also need to maintain a nice looking community.

Member Brown agreed and stated that the ride through town now is pretty and having too many signs would detract from that.

Discussion was held regarding allowing the signs on Mill St.

Member Skoog then asked, "Would we be penalizing the downtown by not allowing them to have these signs?"

Chairman Guttilla stated that some of the businesses being located on a corner could have a sign in both areas. Also, John & Rina's would be able to have signed because they are located on Church St.

Member Brown stated that Mill St. doesn't have a lot of room to put additional signs on the sidewalk in the front of every business.

Village Engineer Kevin Heitz was sworn in to provide Testimony.

Engineer Heitz reminded everyone that on Mill St., there isn't a lot of extra room to add Banner Flag Signs. The Village needs to maintain the space to meet ADA requirements.

It was then determined that due to ADA requirements along with the number of street lights and trees and trash receptacles on Mill St., adding too many signs would be problematic.

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Jen Cetwinski, owner of Bruce & Ollies's in Utica, was sworn in to provide Testimony.

Ms. Cetwinski stated that she has thought about putting the Flag signs in pots outside since there is no grass to be able to put them in.

Chairman Guttilla stated that these Banner Flags are usually several feet tall and that would be a lot to have on Mill St. downtown.

Member Skoog asked about the regulations in the back alleys behind the Mill St. businesses.

Chairman Guttilla stated that the maybe that would be determined by the zoning district that they are permitted in.

Member Skoog suggested that there be a limit of two Banner Flags per business in all commercial zoning districts.

Member Gift stated that the number of signs permitted would be better determined by the 'lay of the land' where the business is located because some businesses might not have enough room to have them at all.

Chairman Guttilla then stated that the Village could determine guidelines that would fit all within of the commercial zoning districts.

Member Brown asked what would happen if every business put up two Banner Flags because not every location is large enough to have more than one, and the downtown isn't suitable to have even one Banner Flag.

Attorney Klein stated that the Zoning Enforcement Officer could be granted the authority to make those decisions depending on the location.

Chairman Guttilla suggested that the Village could allow three per business.

Member Gift stated that maybe the businesses that have larger properties could have two signs.

Engineer Heitz stated that some of the businesses are located on corner properties, which would afford them the space to have a Banner Flag on each corner, while other businesses would be limited to one sign.

Member Skoog then made a Motion to recommend approval of the following: 'each business would be permitted three Single Pole Banner Flags on private property in all Commercial Zoning Districts in the Village; the business would only be able to advertise for their business therefore there would be no off-premise Banner Flags allowed and the Zoning Enforcement Officer would have the discretion to remove the Flags if necessary.'

The Motion was seconded by Member Brown.

Member Gift asked if there should be a limit in the number allowed on a single property and a limit of the maximum height.

The Planning Commission then took a brief recess. At 7:05 a Motion was made by Member Skoog, seconded by Member Brown to recess for 10 minutes.

All in Favor  
Motion Carried

At 7:17 pm the meeting was reconvened; Motioned by Member Skoog, seconded by Member Brown.

All in Favor  
Motion Carried

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Member Skoog then modified his Motion as follows: ‘each business would be permitted three Single Pole Banner Flags, not to exceed 12 feet tall, on private property in all Commercial Zoning Districts in the Village; the business would only be able to advertise for their business therefore there would be no off-premise Banner Flags allowed and the Zoning Enforcement Officer would have the discretion to remove the Flags if necessary.’

3 Yes

Motion Carried

The Public Hearing was then continued to Thursday, July 7, 2022 at 6 pm. There will be no additional publishing and the Public Hearing will be continued on that evening.

At 7:23 pm, the Public Hearing for the purpose of Considering and hearing Testimony regarding a Petition for the Zoning of Property began. The Petition is for the Zoning of Property, contingent upon the terms of a Pre-Annexation Agreement between 71178 Corner LLC, an Illinois Limited Liability Company, and the Village of North Utica, for property located at 799 E. State Route 71, Utica, IL 61373.

Attorney Klein provided a brief summary of the Petition. A Draft of the Pre-Annexation Agreement was provided to the Planning Commission.

Exhibits were entered into the Record as follows:

Village Exhibit #1  
Petitioner’s Exhibit #1

Legal Notice published on May 10, 2022  
Petition for Zoning

Attorney Klein stated that the Public Hearing before the Village Board of Trustees will be held on June 16, 2022 at 6:30 pm.

Ben Ruiz, representing 71178 Corner LLC, was sworn in to provide Testimony.

Mr. Ruiz stated that the property is located on the northwest corner of IL Rt. 178 and Rt. 71 just south of the Village. He would like to Pre-Annex the property and become a part of the Village of North Utica. Mr. Ruiz stated that he plans to build a new restaurant on the property, adjacent to the location of the current bar, which will be expanded. The business will operate out of the current facility and they hope to begin construction on the new building in 2023.

Village Engineer Heitz was sworn in to provide Testimony.

Engineer Heitz stated that Mr. Ruiz has been great to work with. “When they are ready to build, they will come to the Village with their building plans and we will work through all of that with them.”

Mary Pawlak, Village Board Trustee, was sworn in to provide Testimony.

Ms. Pawlak stated that she has been received a lot of feedback about the business along with many phenomenal comments about the food.

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Chairman Guttilla asked where the restaurant would be located.

Mr. Ruiz stated that the new building will be located behind the current building.

Mr. Ruiz stated that for now, they are utilizing a smoker and a food trailer and a BBQ pit.

Chairman Guttilla asked Attorney Klein about the timeline that the property would have to be Annexed according to the Agreement.

Attorney Klein answered, "If annexation of the property doesn't happen within twenty years, they would be able to reapply."

Chairman Guttilla then asked, "If the former mining property across the street were to be annexed, would this property then be able to annex?"

Engineer Heitz answered, "yes, the property would then be contiguous".

With no additional Testimony and no additional discussion, the Public Hearing was closed at 7:30 pm. Motion made by Member Skoog, seconded by Member Brown.

All in Favor  
Motion Carried

It was motioned by Member Skoog, seconded by Member Brown to recommend approval of the Pre-Annexation of the property.

3 Yes  
Motion Carried

It was then motioned by Member Skoog, seconded by Member Brown to recommend C-3 (Commercial Highway District) Zoning of the property located at 799 E. State Route 71, Utica, IL 61373.

3 Yes  
Motion Carried

Minutes: It was motioned by Member Brown, seconded by Member Skoog to approve the Minutes from the April 28, 2022 Joint Board of Trustees and Planning Commission Meeting.

All in Favor  
Motion Carried

Old Business / New Business: NONE

Public Comment: NONE

With no additional business, the meeting was adjourned at 7:41 pm. Motion made by Member Skoog, seconded by Member Brown.

All in Favor  
Motion Carried

Respectfully submitted,  
Laurie A. Gbur; Village Clerk