

VILLAGE OF NORTH UTICA
248 W. Canal St, North Utica, IL 61373
Planning Commission Meeting
July 28, 2022
www.utica-il.gov

AGENDA

- I. **5:30 p.m.** - Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. **5:30 Public Hearing:**
 1. For the purpose of Considering and hearing Testimony regarding the Petition of Karen L. Starks, Owner, a/k/a “Western Cattle Company”, and / or “Factory Outlet”. The Petitioner is seeking a Special Use under the Village of North Utica Zoning Ordinance Section 10-8A-3 et.seq., to operate a retail business for western clothing apparel and footwear, in addition to the operation of a convenience store, including the sale of packaged liquor and limited grocery and convenience items. The Petitioner is also seeking Design Review approval, and the approval of signage and any necessary Variances. The property is generally located at 130 Mill St., Utica, IL 61373. The property is Zoned C-1
 - A. It is proposed that the Petitioner be granted a Special Use under the Village of North Utica Zoning Ordinance Section 10-8A-3 et.seq., for the operation of a retail business for western clothing apparel and footwear, in addition to the operation of a convenience store, including the sale of packaged liquor and limited grocery and convenience items, on property located at 130 Mill St., Utica, IL 61373. The Property is Zoned C-1.
 - B. It is proposed that the Signage, as indicated in the Petition, as well as any necessary Variances, be approved
 - C. 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.
 - D. 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. **6:00 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.

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- VI. Consideration and Possible Action on Planning Commission Meeting Minutes: 07-07-2022
- VII. Old / New Business
- VIII. Public Comment
- IX. Adjournment

POSTED 07-26-2022

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MINUTES

At 5:36 pm the meeting was called to Order by Village Clerk Laurie Gbur who then led the Pledge of Allegiance. Meeting attendance was recorded. Present at the meeting were Planning Commission Members Doug Gift, Bill Zens, Dennis Hamilton, Warren Munson and Andy Skoog. Also present at the meeting were Village Attorney Herb Klein, Village Engineer Kevin Heitz and Zoning Enforcement Officer Curt Spayer. Planning Commission Chairman Tom Guttilla and Member Mike Brown were absent from the meeting.

It was motioned by Member Hamilton, seconded by Member Zens to nominate Member Gift to Chair the meeting.

All in Favor
Motion Carried

Attorney Klein provided a brief summary of the Petition of Karen L. Starks, Owner, a/k/a “Western Cattle Company”, and / or “Factory Outlet”. The Petitioner is seeking a Special Use under the Village of North Utica Zoning Ordinance Section 10-8A-3 et.seq., to operate a retail business for western clothing apparel and footwear, in addition to the operation of a convenience store, including the sale of packaged liquor and limited grocery and convenience items. The Petitioner is also seeking Design Review approval, and the approval of signage and any necessary Variances. The property is generally located at 130 Mill St., Utica, IL 61373. The property is Zoned C-1

Village Exhibit #1 -	Legal Notice of Public Hearing published on July 11, 2022
Petitioner’s Group Exhibit #1 -	Special Use Permit Application, Zoning Variance Application, Development Permit Application, Sign Permit Application and related images and renderings.

The Petitioner is seeking a Special Use for the operation of convenience store items and for the sale of Packaged liquor. The other items being sold in the retail store are leather apparel and footwear which does not require a Special Use.

Mr. Robert Martens, son of Ms. Karen Starks, owner of the property, was sworn in to provide Testimony.

Mr. Martens provided a brief history about Western Factory Outlet. The Western Cattle Company was started In 1949 in Mendota. A storefront was opened in 1977 and the business was expanded however when I-39 was opened, the customer traffic was greatly reduced. In 1985 the building was constructed in north Peru and the retail store was opened in 1986. In 2022 they purchased the property located at 130 Mill St. in downtown Utica. Mr. Martens stated that they are happy to be a part of the Village of Utica and they look forward to reopening their business in the community. They sell leather products including boots, hats, belts and apparel. They would also like to carry packaged liquor and special packaged grocery items such as hot sauces, different specialty cheeses, sausage and special meats from a local butcher shop. They are also considering selling farm fresh vegetables and eggs.

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Interior improvements – Painting, new laminate flooring, repairs to coolers and a freezer, and bringing in show cases.

Proposed Exterior improvements – They would like to paint the exterior brick a dark brown, install a redwood truss and change out the door to a custom door with a sidelight that opens. They would like to install individual letters on the front face of the building to spell out: ‘Western Cattle Company Factory Outlet’ and possibly ‘General Store’ if space allows. The truss, being constructed by Forever Redwood, would attach to the building, over the parapet and two posts would extend from the bottom of the truss down to the ground and off the front of the building approx. 6 inches.

Mr. Martens stated that he is trying to achieve a look that is similar to the timbers at Starved Rock Lodge. The custom 36” wood door will have an eagle carved in the center panel and a functioning side light window, the length of the door, will be able to be opened whenever necessary.

A display window will be installed in the location of the current doorway and the bottom of the window will be located approx. 18” off of the ground.

Member Munson asked Mr. Martens who would be building the truss.

Mr. Martens stated that he is working with a company named Forever Redwood; they do a lot of shelters and truss designs in both redwood and another hardwood.

Member Skoog asked about the timeline for completion of the exterior improvements.

Mr. Martens responded that the custom door will take approx. seven months to be delivered, and the truss will take approx. five months and then it could not be attached to the building until after we get through the cold weather season; they are working with Forever Redwood to confirm the final design now.

Chairman Pro-Tem Gift cautioned Mr. Martens that changes to the exterior can’t be made until the design would be approved.

Mr. Martens stated that he understands the process.

Chairman Pro-Tem Gift then asked if there could be pigeons or other birds that will be nesting in the opening areas of the structure of the truss.

Mr. Martens stated that the back will be all plywood so there will be no area for birds to nest.

Member Skoog asked Attorney Klein if a timeline can be included so that the construction doesn’t extend past one year.

Attorney Klein stated that the Planning Commission could assign a reasonable timeline that the exterior changes would need to be finished.

Zoning Enforcement Officer Spayer reminded everyone that the Building Permit would expire in one year from the date of issue.

Member Zens asked if the current brick façade could remain rather than painting it.

Mr. Martens stated that there is regular brick and concrete block so he would like to paint so that everything looks similar rather than to have the current difference of both materials remaining. Mr. Martens stated that he is planning to paint the brick a dark brown color so that the redwood truss stands out.

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Member Hamilton asked Mr. Martens if he has contacted the Utica Fire Department yet regarding the Life Safety Code.

Mr. Martens stated that he had already spoken to the Fire Chief and will be completing the necessary paperwork.

Member Hamilton then asked Mr. Martens if he had reviewed the ADA guidelines to be sure that the changes to the building will meet the requirements.

Mr. Martens stated that he has reviewed the ADA guidelines and the building will remain in compliance, even if additional changes are required.

Member Munson asked about the request for a liquor license and whether they will serve liquor in the store.

Mr. Martens stated that they would only sell packaged liquor; there will be no liquor served on the property.

Mr. Munson then asked about the days and hours that the store would be open.

Mr. Martens stated that they would probably keep their current hours which are 11 am – 7 pm, on Mondays, and Wednesday through Saturday; 11 am – 6 pm on Sunday and closed on Tuesday.

Mr. Munson then asked whether customer access to the store would be allowed through the back entry.

Mr. Martens answered, “No, there will be front door access only. There will be storage in the back of the building and that is where we bring in our retail products and do our pricing.”

Mr. Martens stated that there have also been some improvements done to the property in the back of the building as well. The weeds and old tree stump have been removed and stairs have been installed. A new garage door will also be installed.

Chairman Pro-Tem Gift asked if there was anyone present that would like to speak in favor of, or in opposition of the Petition, or if anyone had any questions for the Petitioner.

Village Board Trustee Mary Pawlak asked Mr. Martens if they will have dogs in the building.

Mr. Martens answered, “Yes, but they won’t be near any of the food items.”

Trustee Pawlak asked Mr. Martens if he was aware of the ADA guidelines for the front sidewalk.

Mr. Martens answered, “Yes; the only thing that will be on the sidewalk are the posts for the truss.”

Mrs. Jennifer Stoneking, Utica Hair Co., asked Mr. Martens if the structure extends onto the sidewalk because it looks like a pergola in the images that he provided with his Petition.

Mr. Martens answered, “No, it is not a pergola, it is only a truss.”

Mrs. Ann Duffy, Utica resident, asked Mr. Martens if they would be raising dogs in the building.

Mr. Martens answered, “No, they are my personal dogs that I bring to work with me.”

Trustee Pawlak stated that she has heard that there are puppies being sold from the current retail store in Peru.

Mr. Martens responded, “They are my personal dogs and I bring them to work to socialize them; They are kept in a separate area in the back. They are puppies that we raise and then sell to good homes.”

Member Hamilton asked how dogs can be allowed in the building where there is food for sale.

Mr. Martens stated that the dogs won’t be near the food because the food will be packaged and in coolers.

Member Skoog asked Mr. Martens about the fresh produce that he would be selling because that would not be packaged.

Mr. Martens answered, “We would have pens at the store so that the dogs are kept in a designated area.”

Mrs. Duffy stated that there was nothing included in the Permit Application about having dogs for sale on the property.

Mr. Martens stated that the puppies would not be in the storefront of the building, but rather in the back.

Village Engineer Heitz asked about the number of dogs that would be in the building and the breed.

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Mr. Martens stated that there are three breeds: Doberman, Mini-Australian Shepherd and Great Pyrenees Shepherd. They have two – three litters a year and then the puppies are approx. two months old before they are re-homed to good homes.

Mr. Martens also stated that they are very concerned with making sure that the dogs are going to good homes and that they are being socialized and trained.

Trustee Debbie Krizel asked Mr. Martens if they can have the dogs in the building when they will be carrying food items for sale.

Mr. Martens stated that the food items will be packaged and in coolers and the dogs will be in a separate area. Trustee Krizel then asked if they had contacted the LaSalle County Health Department yet.

Mr. Martens agreed that he will contact them to make sure but it should not be an issue as long as the dogs are not in the same area as the food items.

Chairman Pro-Tem Gift asked if the Village Engineer had any questions or comments about the Petition.

Village Engineer Heitz stated that the new front entry door will meet ADA requirements. He also stated that the building improvements that are being proposed will meet the general intent of the Downtown Design Ordinance. The brick will be one uniform color and the detail on the door will stand out for a nice impact to the downtown. Engineer Heitz then stated that the Village can defer to the LaSalle County Health Department regarding the dogs being allowed in the building with packaged food items. There are other businesses in the local area that allow dogs, or have dogs in the store.

Chairman Pro-Tem Gift asked if the Village Zoning Enforcement Officer had any questions or comments about the Petition.

Zoning Officer Spayer stated that he had no issues with the proposed appearance of the building with the changes they would like to make.

It was then motioned by Member Zens, seconded by Member Hamilton to close the Public Hearing at 6:47 pm.

All in Favor
Motion Carried

It was motioned by Member Munson to recommend approval of the Special Use to allow the use of the building for the operation as presented; submitted to no consumption of premises of liquor or serving food.

Member Skoog asked Attorney Klein if approving the Special Use grants permission to sell animals. Attorney Klein stated that the Village is not giving the Special Use for a pet shop; it is for package liquor and convenience store food items.

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

Member Zens asked about the height of the proposed truss on the building.

Engineer Heitz stated that the height of the truss should not be too high or create any issues.

Zoning Officer Spayer agreed.

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With the Motion failing, Attorney Klein stated that if the Planning Commission does not make a recommendation, then after 60 days, the Special Use would be deemed approved.

Attorney Klein then provided a summary of what the Planning Commission is considering regarding the Petition and the Public Hearing.

1. Consideration of a Special Use for retail packaged liquor sales and limited packaged food items on the property.
2. Consideration of whether the proposed improvements and design fits with the Downtown Design Ordinance.

After some additional discussion among the Planning Commission, a Motion was made by Member Munson. It was motioned to recommend approval of the Special Use for packaged liquor sale and limited packaged food items and groceries on property located at 130 Mill St., Utica, IL 61373. The Motion was seconded by Member Zens.

Discussion about the Motion:

Member Skoog asked Mr. Martens if he has to bring dogs to the store to show them to people.

Mr. Martens stated that the reason the dogs come to the store is to be socialized.

Member Skoog asked if the dogs would be in the front or back of the store and whether people could see them when they are in the store shopping.

Mr. Martens stated that the dogs would be in the back but people would be able to see them when they come in. He also stated that these are his personal dogs and they would not be roaming through the store; they will be behind the counter or in the back of the building.

Attorney Klein stated that since the Public Hearing was already closed, if people wanted to further discuss the Petition and ask questions, the Hearing would need to be reopened.

Member Munson then stated that his Motion does not include approval of having the dogs at the store to show them or for the sale of dogs.

The Motion was then reiterated by Member Munson; It was motioned to recommend approval of the Special Use for packaged liquor sale and limited packaged food items and groceries on property located at 130 Mill St., Utica, IL 61373. Member Zens had seconded the Motion.

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

- 2 Yes (Member Zens, Member Munson)
 - 2 No (Member Hamilton, Member Skoog)
 - 1 Yes (Chairman Pro-Tem Gift voted)
- Motion Carried with 3 Yes votes

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It was then motioned by Member Munson, seconded by Member Zens to approve the Design and the exterior improvements of the property located at 130 Mill St., Utica, IL 61373; as presented and subject to the truss not extending more than 1 ft. from the building and the posts not extending more than 6” from the front of the building.

- 2 Yes (Member Zens, Member Munson)
 - 2 No (Member Hamilton, Member Skoog)
 - 1 Yes (Chairman Pro-Tem Gift voted)
- Motion Carried with 3 Yes votes

At 7:03 pm the Public Hearing was opened regarding the review of the Villages’ Sign Ordinance. Attorney Klein provided a brief summary 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.

It was motioned by Member Hamilton, seconded by Member Zens to continue the Public Hearing to Thursday, August 25, 2022 at 6 pm. There will be no additional notice published.

All in Favor
Motion Carried

Minutes: It was motioned by Member Skoog, seconded by Member Zens to approve the Minutes from the July 7, 2022 Planning Commission Meeting as presented.

All in Favor
Motion Carried

Old / New Business: NONE

Public Comment: NONE

With no additional business, the meeting was adjourned at 7:05 pm. Motion made by Member Zens, seconded by Member Skoog.

All in Favor
Motion Carried

Respectfully submitted,
Laurie A. Gbur
Village Clerk