

APPROVED MINUTES
VILLAGE OF ANTIOCH
PLANNING AND ZONING BOARD
MUNICIPAL BUILDING: 874 MAIN STREET, ANTIOCH, ILLINOIS
February 10, 2011

CALL TO ORDER

The Antioch Planning and Zoning Board meeting was called to order by Chairman Burdick at 7:32 p.m. in the Municipal Building, 874 Main Street, Antioch, Illinois 60002.

ROLL CALL

Roll call indicated the following members were present: Karasek, Weber, Ralston, Dominiak and Ipsen. Also present were Chairman Burdick, Attorney Long and Deputy Clerk Folbrick. Absent: Kaiser.

APPROVAL OF MINUTES

Member Ralston moved, seconded by Member Dominiak to approve the January 13, 2011 Planning and Zoning Board Minutes as presented. Upon roll call, the vote was:

YES: 5: Karasek, Weber, Ralston, Dominiak and Ipsen.

NO: 0.

ABSENT: 1: Kaiser.

THE MOTION CARRIED.

ANNOUNCEMENTS AND CORRESPONDENCE

Director Nilsen included information in the packet relating to parking and the recently passed ordinance in April, 2010, in response to a similar issue in Gurnee.

OLD BUSINESS

PZB 11-02 – Request for a special use zoning variance to install and operate greater than ten coin operated gaming devices as currently allowed in a B-1 zoning district and a request for a special use zoning variance to obtain a liquor license. Petitioner John Tsichlis and Peter Georgiades – Deputy Clerk Folbrick administered the oath to those who wished to testify.

Attorney David Short provided a status update including building measurement, and reviewed the evolution of the petitioner's process to request a liquor license. He explained that there is no specific license defined in the petition, however the petitioner previously indicated that they would like a beer and wine license. He advised that the petitioner would like to update their request to a full service liquor license. He explained that the petitioner is requesting a special use to serve liquor at this time, and not a specific liquor license.

Member Karasek asked if the petitioner has defined what evenings liquor would be served. Attorney Short replied that it was to be defined before the request was amended to the request for a full service license. He stated that Friday and Saturday would be teen nights unless a special banquet is booked. Advertising, social media, and the marquee in front of the business will inform people what nights are open to teens and/or the general public. Club Manager Laura Garvey added that a monthly calendar will also be posted.

Mr. John Heden, representing the Antioch Hills subdivision residents, provided an overview of their request for denial and the background information collected by the neighboring property owners. He provided the differences between the proposed Club Energy, and a similar club in Naperville, Zero Gravity, including buffer zones, exit and entrances, parking and locations. He presented the concerns of the neighbors, including operations of similar clubs and the problems associated with them, traffic, noise, trespassing, safety, pollution, change in the business plan once a liquor license is granted, and the potential for illegal activities. He further suggested steps that should be taken in moving forward, including the neighbors request to deny the liquor license variance.

Mr. Vince Accardo, club employee, reviewed the benefits of the club to the community, and stated that the club does not want any trouble either. Mr. Heden responded that he would like to keep the lines of communication open with the neighbors and business owners in order to avoid and prevent potential problems.

Mr. Richard Martin, Park Terrace resident, stated that the objection of the neighbors is the liquor license, not the teen club.

Director Nilsen reviewed the special use requests, and the circumstances surrounding the business and if they are in the best interest of the Village. He provided the results of the building measurements and the number of devices allowed based upon the square footage. He stated that the requested 24 number of devices would be acceptable to staff. Per Village Code, any request for more than 10 devices requires a special use permit. Staff further recommends a denial of the request for a special use for a liquor license.

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Chairman Burdick asked how the handicapped access was addressed. Director Nilsen responded that the building code is regulated by the ADA requirements for handicapped access, and is in compliance.

Attorney Long read aloud Village Code 4-2C-4 stating the hours of business for liquor sales. He stated that he asked for a specific provision from the petitioner's attorney, and questioned the eligibility of a license under other provisions of the Antioch Liquor Control Code. He added that the liquor code supersedes the zoning code. Attorney Short replied that he understands the concerns, and said that the owners have pledged to remove alcohol from the premises when teens are present. Attorney Long stated that the Illinois Liquor Code states that a business whose primary focus of business is to persons under the age of 21 is ineligible for a liquor license. Security manager for Club Energy, Roland Hartshorn, explained that staff will uphold the law as far as the service to minors.

Attorney Short asked Attorney Long if language could be provided where a positive recommendation would be made to the board. Attorney Long said he hasn't seen such language, but it may help him to define potential risk.

Member Karasek asked Attorney Long to verify that no law would trump the liquor code for service in a location where people under 21 are present. Attorney Long verified that is correct. Member Karasek asked the petitioner how they would verify that the sales and majority of customers are over 21 years old.

Mr. Martin asked how a liquor license transfers if the business dissolves. Attorney Long responded that the liquor license continues to be held by the owner/corporation, and any future buyer would have to be eligible and qualify for a liquor license.

A brief recess was granted at 8:58 pm. They called the meeting back to order at 9:03 pm.

Attorney Short disagrees with the interpretation of village and state liquor codes that the club would be ineligible to open. He referenced a club called Blur, and reviewed the business plan which has only 2 nights geared towards teens, so a majority of the patrons would be adults. Mr. Heden responded that Club Blur operates on specific nights, and does not allow alcohol service to be made on other nights when the club caters to teens.

Chairman Burdick announced that the Board will consider the petition items separately. He asked for clarification on the number of devices requested by the petitioner and recommended by staff. Director Nilsen replied that he took into consideration usable floor area when making his recommendation.

Member Karasek moved, seconded by Member Ralston, to approve PZB 11-02 request for zoning variance to operate 23 coin operated game devices as allowed in B-1 zoning based on recommendations and restrictions within the staff report. Upon roll call, the vote was:

YES: 4: Karasek, Weber, Ralston, and Ipsen.

NO: 1: Dominiak.

ABSENT: 1: Kaiser.

THE MOTION CARRIED.

Attorney Short requested a continuance in order to draft language for a new type of liquor license for the Village of Antioch. They requested to move forward with the recommendation to the Village Board for the special use for amusement devices, and to continue the request for a special use variance for a liquor license.

Member Ralston moved, seconded by Member Dominiak, to continue PZB 11-02 request for a special use zoning variance to obtain a liquor license to the March 10, 2011 Planning and Zoning Board Meeting. Upon roll call, the vote was:

YES: 5: Karasek, Weber, Ralston, Dominiak and Ipsen.

NO: 0.

ABSENT: 1: Kaiser.

THE MOTION CARRIED.

NEW BUSINESS

PZB 11-03 Request for a sign variance for monument sign height variance in accordance with Title 10, Chapter 14, and Section 6 of the Antioch Zoning Ordinance, which limits ground signs to 8 feet in height, located at 322 W. Route 173 – Petitioner NJB Operations on behalf of Taco Bell – Deputy Clerk Folbrick read aloud the public hearing notice and administered the oath to those who wished to testify. The petitioner entered the certified mailing receipts into the record.

Mr. Mario Valentini of Warren Johnson Architects presented the history of the request for a sign variance, and the history of similar previous requests made by the same petitioner. He asked that a sign replicating the original sign and location be considered for approval. He reviewed visibility and provided photographs of the area in question.

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Member Dominiak asked what evidence the petitioner has about the signage increasing consumer sales. Mr. Valentini replied that YUM Brands acknowledges that signage is a key component when the businesses do their due diligence. Member Ralston asked if it is the hopes of the Village that all of the signs on Route 173 eventually become monument signs. Director Nilsen responded that the comprehensive plan and Title 10-14 of the Village Code prohibit pole signs and incorporate language for monument signs. Mr. Valentini stated that the petitioner would not have removed their initial sign and had been grandfathered in had they expected what the parameters for the monument sign would have been.

Member Ipsen asked how many stores NJB has, and how many have been redone. Mr. Valentini responded that there are approximately 40 stores, and 3 have remodeled with the current style.

Member Karasek related that he found a Taco Bell in Wisconsin that does meet the current Village of Antioch requirements, and reminded the petitioner of the additional building signage that has already been approved based on the fact that they would not be granted the pole sign on a previous request.

Ms. Katherine Morgan, Antioch resident, believes that the previous representative speaking on behalf of NJB for a monument sign was ineffective, and the backlighting of the pole signs is disruptive to the neighbors. She believes that a sign closer to the road with a bit more height may be appropriate, and revisiting a monument sign may be a better solution.

Members discussed the previous requests and denials from the same petitioner for similar signs, and the various options that may be available to them. Mr. Valentini submitted the request from July, 2010 for an 11' monument sign, and stated that a 2' base could be accommodated in place of the 3' base.

Mr. Jack Adams, Antioch resident, suggested the planting of trees between the business and residences to shield the backlight from the pole sign.

Attorney Long reviewed the published legal notice, which requested a height variance, so the different drawing could still be considered.

Director Nilsen reviewed the request for a height variance on signage. He explained that the need for a sign variance was communicated to the petitioner prior to the removal of their initial sign, and before each petition request. He related that staff does not believe that hardship or unique circumstances have been proven, and therefore recommends denial of the request. Staff does not recommend the additional proposed variation for an 11' sign based upon the lack of unique circumstances at that location. He added that the square footage also does not meet the Village Code.

Member Dominiak moved, seconded by Member Weber, to deny PZB 11-03 – request for a sign variance approval for monument sign height variance in accordance with Title 10, Chapter 14, and Section 6 of the Antioch Zoning Ordinance. Upon roll call, the vote was:

YES: 5: Karasek, Weber, Ralston, Dominiak and Ipsen.

NO: 0.

ABSENT: 1: Kaiser.

THE MOTION CARRIED.

Chairman Burdick reviewed the parking ordinance, and the regulations guiding recreational vehicles. Director Nilsen clarified that the previous regulations did not preclude the front yard or street for RV parking. Chairman Burdick asked that the ordinance be reviewed again. Director Nilsen said that he can approach the Village Board with the request.

ADJOURNMENT

There being no further discussion, Member Weber moved, seconded by Member Dominiak to adjourn the Planning and Zoning Board meeting at 10:42 p.m.

Respectfully Submitted,

Lori K. Folbrick
Deputy Clerk