

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

**CALL TO ORDER**

The Antioch Planning and Zoning Board meeting was called to order by Chairman Burdick at 7:30 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, Kaiser, Dominiak and Ipsen. Also present were Chairman Burdick, Attorney Long and Deputy Clerk Folbrick.

**APPROVAL OF MINUTES**

Member Karasek moved, seconded by Member Dominiak to approve the February 10, 2011 Planning and Zoning Board Minutes as presented. Upon roll call, the vote was:

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

**NO: 0.**

**ABSTAIN: 1:** Kaiser.

**ABSENT: 0.**

**THE MOTION CARRIED.**

**ANNOUNCEMENTS AND CORRESPONDENCE**

Director Nilsen discussed training sessions available through CMAP and stated that he has contacted them to inquire about conducting the training on site. He will update members as he gets more information.

**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 Tschilis and Peter Georgiades –** Deputy Clerk Folbrick administered the oath to those who wished to testify.

Attorney Short provided a review of the history of the request for a liquor license. He reviewed the proposed language for a liquor license from the petitioner. He provided examples of other establishments in the State of Illinois that offer liquor licenses to venues that accommodate teens as well. He detailed the provisions provided for in the proposed Class M License, which include location, multi-use facility definitions, change in use, and designated nights where alcohol sales may be permitted. He further provided potential scenarios with multiple parties booked and the service of alcohol, and other segregated events or functions that may occur simultaneously.

Mr. Richard Martin, Park Terrace Resident, asked if this is an example of 'spot zoning', and if spot zoning was legal. Attorney Long replied that a liquor license is unrelated to spot zoning. He explained that a special use is what is applied for, and not zoning.

Ms. Chris Olson, Lakeview Terrace resident, discussed club occupancy and parking. She further asked who would provide security, and if they would maintain surveillance of liquor. She further asked if smokers would be crossing Route 83 to smoke. Chairman Burdick replied that the smoking regulation is made by the state, and parking meets current standards. Attorney Short added that additional parking is being considered by the church across the street for valet parking. If additional parking is needed in the future they will address it at that time.

Ms. Nancy Adamski, North Point Drive resident, asked what would happen when the church has an event that requires parking, and if they have been notified that a liquor license has been requested. Mr. Tschilis responded that the church/school has been apprised of the business plan. Attorney Short responded that a lease agreement would have to be in place with the church for parking use.

Mr. Leroy Matteson, discussed the differences between Zero Gravity and Club Energy.

Member Ipsen asked if a bar would be constructed within the business. Mr. Tschilis responded that there will not be any tap beers or glass bottles on the premises. Member Ipsen asked if the petitioner has attempted to reach out and speak with the neighbors. Mr. Tschilis responded that he has tried to talk with neighbors, and is readily accessible at the club if anyone would like to stop by.

Member Dominiak asked Attorney Short to elaborate on the 6:1 ratio established by Dave 'n Busters. Attorney Short replied that it is on their website, and only provides a frame of reference for a similar business. She added that valet attendants will not have a crosswalk accessible for them to cross the street after parking the cars.

Member Kaiser asked how they will monitor patrons over 21 years of age. Mr. Tschilis said they will not be allowed on teen night.

## APPROVED MINUTES

Member Ralston asked how the multiple events may be segregated for alcohol and non-alcohol use. Mr. Tschilis responded that there are multiple levels separated, and a ballroom that has private doors and entrances. He said they will exercise caution when booking the parties. Member Weber asked if there would ever be a situation where a conflict could occur. Mr. Tschilis responded that no alcohol will be present on teen nights. Attorney Short said the petitioner is requesting that overlap could occur without being in violation. Club Manager Laura Garvey added that the party rooms would be separate such as a hotel that would have private entrances and kitchenette facilities within the rooms.

Member Karasek suggested that the petitioner provide a calendar that will be submitted to the Village and Police Department that depicts recurring events, and that it be submitted to staff on certain dates such as the 1<sup>st</sup> and 15<sup>th</sup> of each month.

Member Kaiser asked if the proposed language would change to remove 'primarily to minors' from its content. Attorney Short responded that it will be removed. Member Kaiser asked for clarification that the hours of operation for teen nights cannot exceed 40% of the total hours of operation for the facility on any given month. Attorney Short responded that it is there to show that teen nights do not exceed more than half of operating hours so there will not be any conflicts for the issuance of a liquor license.

Member Dominiak asked what the maximum occupancy was. Director Nilsen replied that maximum occupancy for this building may be capped, but could be 600 people based solely on square footage. She said that there is nothing in the language that prohibits alcohol being on site when children are present. She added that the percentage is not a fair way to calculate the adult to child ratio in order to maintain that the business will cater primarily to adults for the purposes of a liquor license.

Attorney Long expressed concern with the proposed liquor code language and site specific nature of the license which creates the appearance of a contracted liquor license, which is prohibited. He further discussed the proposed language of the liquor license being sought, and that the license may cease to exist upon any redevelopment of the nature of the business. Attorney Short responded that the site specific language is taken from Club Blur. Attorney Long stated that license may be issued by Naperville which is a home rule community. He asked to see the license language as well as the ordinance providing for the license of Club Blur.

Attorney Short asked how the enforcement of this license classification may differ from other taverns in the community. Attorney Long responded that it is the State Liquor Code that is the issue, and recognizes that there will still be issues with the Illinois Liquor Control Commission.

Member Karasek asked if change of ownership needs to be included in the language as well as the change of use. Attorney Long responded that liquor licenses do not operate based on land use like the zoning code. Any change in ownership would require the new owners to qualify for a liquor license.

Member Dominiak asked what risk is involved if this is not awarded at this time, but is considered for a future request of a similar nature. Attorney Long responded that the Village is not under any obligation to grant a liquor license.

Chairman Burdick explained that the board will make a recommendation regarding a special use for a class M liquor license, and is not responsible for creating or granting the license.

Director Nilsen stated that the positive recommendation for the amusement devices has been granted, and defers to the attorney for the special use for a liquor license in order to determine the proper safeguards are in place.

Attorney Short said that his client is agreeable to a vote, and are willing to consider language, incorporate a calendar for event submittals, and work with the board towards a resolution. He requested a brief break to confer with his clients.

***The board took a brief recess at 8:54 pm. The meeting was called back to order at 8:57.***

Member Ralston moved to approve 11-02 for special use zoning variance regarding a liquor license based on the proposed amendment to the liquor code that can be worked out with the final details of concern to Attorney Long.

*The motion dies for a lack of second.*

## APPROVED MINUTES

Member Karasek moved, seconded by Member Kaiser, to continue PZB 11-02, request for special zoning variance on liquor license until both attorneys can provide documentation to the Planning and Zoning Board in order to alleviate the Village Board returning the petition back to the Planning and Zoning Board. Upon roll call, the vote was:

**YES: 5:** Karasek, Weber, Ralston, Kaiser and Dominiak.

**NO: 1:** Ipsen.

**ABSENT: 0.**

**THE MOTION CARRIED.**

### **ADJOURNMENT**

There being no further discussion, Member Kaiser moved, seconded by Member Weber to adjourn the Planning and Zoning Board meeting at 9:00 p.m.

Respectfully Submitted,

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Lori K. Folbrick, RMC/CMC  
Deputy Clerk