

APPROVED MINUTES
VILLAGE OF ANTIOCH
PLANNING AND ZONING BOARD
MUNICIPAL BUILDING: 874 MAIN STREET, ANTIOCH, ILLINOIS
April 14, 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: Member Kaiser.

APPROVAL OF MINUTES

Member Ralston moved, seconded by Member Dominiak to approve the March 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.

ABSENT: 1: Kaiser.

THE MOTION CARRIED.

ANNOUNCEMENTS AND CORRESPONDENCE

Director Nilsen provided special use provisions and criteria for sign amortization for future reference and consideration.

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.

The petitioner related that Attorney Short forwarded materials for liquor language and special use consideration to Village staff. He also indicated that he reached out to the neighbors and had an open house meeting which approximately 10 people attended.

Member Kaiser arrived at 7:38 pm.

Mr. Len Matteson, North Lakeview Terrace resident asked if the liquor license would go with the sale of property. Attorney Long responded that the license is not tied to the property or real estate. If the property is sold, the license would transfer independently of the sale of the property.

Ms. Nancy Adamski, North Point Drive Resident asked why the A Frame intended to house liquor has a "For Rent" sign. The petitioner responded that he simply has not removed the sign at this time.

Mr. John Heden, Antioch Hills resident, speaking on his own behalf, and not as the homeowners association, remarked that he has met with the petitioner on numerous occasions, and expressed concerns with trust, and with business and/or environment changes in the future. He added his concern with the enforceability of the proposed Class "M" liquor license.

Member Kaiser asked what nights are intended for alcohol sales. The applicant responded that Friday and Saturday are intended as teen nights, with no alcohol on the premises. He added that the plan includes a "Family Dance Day" on the first Saturday of each month. Member Kaiser asked if the police department is comfortable with the proposed notification schedule. Director Nilsen replied that they would appreciate any advance notice regarding events in town. Concerns from the police department are primarily focused on the gathering of teens, and not the liquor license.

Member Weber asked if property currently zoned B-1 would typically allow alcohol use. Director Nilsen responded that the liquor consideration is a special use, and any other business along those lines would need to apply for a special use permit if they wanted to serve alcohol. He further discussed local and state liquor requirements. Member Weber asked if the local or state liquor commission would be involved with any enforcement of violations on the property. Hearing processes would have to be held depending upon the violation or citation.

Member Ralston asked if the special use is tied to the land. Director Nilsen said that the special use stays with the land, and future owners would be bound to the property, and all conditions initially authorizing the special use would remain in place.

Attorney Long discussed the enforceability of the liquor license, particularly underage drinking, which can be easily enforceable. He indicated that suspensions and fines are more common than

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revocation unless serious and multiple incidents showing a pattern continue to occur. His main concern within the proposed language is the immediate revocation clause that may not be easily done based on the liquor code. Any enforcement will be fact-driven, and dependent upon the nature of the offense, as is the case with any liquor license holder.

Member Karasek asked if there is an annual liquor license review. Director Nilsen replied that applications are reviewed on an annual basis, and building inspection is necessary for renewal. Member Karasek asked if any response was received from the Illinois Liquor Control Commission regarding the proposed Class "M" license. Attorney Long said that it has not been sent, and they would not provide an opinion on the license or review a license beforehand. Member Karasek asked if hours of operation should be included in the recommendation. Attorney Long said that is certainly enforceable, and could be included if desired.

Chairman Burdick indicated that he would like to include finding of fact, and evidence in the recommendation.

Member Dominiak asked if alcohol would be served on Family night. The petitioner responded that the area for adults on Family night would serve alcohol within the building. Member Dominiak asked if the games of chance in bars could be considered. Attorney Long responded that they could. Member Dominiak stated that certain criteria could be required if a special use for liquor is granted, but could not be required with the current allowed use of a teen club.

Member Kaiser asked if the Bingo games would payout cash, and if the petitioner has applied for a gaming license from the State of Illinois. The petitioner had no response.

Director Nilsen clarified the responsibilities of the Planning and Zoning Board with this matter, and discussed the consideration of Section 10-15-5 of the Village Code. He added that the Board should make its motion to recommend approval or denial of the request because the petition, evidence, and facts presented comply or do not comply with Section 10-15-5, and defers to the Village Attorney for the liquor license recommendation.

Member Karasek moved, seconded by Member Ralston, to approve PZB 11-02 zoning variance to obtain a liquor license for petitioners based on the Planning and Zoning board findings, and approval criteria in staff letter with combination of Class "M" drafts. Upon roll call, the vote was:

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

NO: 2: Dominiak and Ipsen.

ABSENT: 0.

THE MOTION CARRIED.

Director Nilsen stated that he will return with a revised findings of fact letter for the Village Board's consideration.

Director Nilsen discussed the timing of submittals, and that a one month continuance does not provide enough time for review. He asked that future continuance requests are granted in two month time periods.

Member Dominiak thanked everyone for her time serving on the PZB.

ADJOURNMENT

There being no further discussion, Member Karasek moved, seconded by Member Weber to adjourn the Planning and Zoning Board meeting at 8:41 p.m.

Respectfully Submitted,

Lori K. Folbrick
Deputy Clerk