

**APPROVED MINUTES  
VILLAGE OF ANTIOCH  
PLANNING AND ZONING BOARD  
MUNICIPAL BUILDING: 874 MAIN STREET, ANTIOCH, ILLINOIS  
May 10, 2012**

**CALL TO ORDER**

The Antioch Planning and Zoning Board meeting was called to order by Chairman Karasek at 730p.m. in the Municipal Building, 874 Main Street, Antioch, Illinois 60002.

**ROLL CALL**

Roll call indicated the following members were present: Johnson, Weber, Ralston, Kaiser and Ipsen. Also present were Chairman Karasek, Attorney Long, Director Nilsen and Deputy Clerk Folbrick. Absent: Member Pyburn.

**CONSIDERATION OF THE DECEMBER 8, 2011, JANUARY 12, 2012, JANUARY 26, 2012 AND MARCH 8, 2012 PLANNING & ZONING BOARD MEETING MINUTES AS PRESENTED**

Member Ralston moved, seconded by Member Weber to approve the December 8, 2011 Planning & Zoning Board meeting minutes as presented. Upon roll call, the vote was:

**YES: 5:** Johnson, Weber, Ralston, Kaiser and Ipsen.

**NO: 0.**

**ABSENT: 1:** Pyburn.

**THE MOTION CARRIED.**

Member Kaiser moved, seconded by Member Ipsen to approve the January 12, 2012 Planning & Zoning Board meeting minutes as presented. Upon roll call, the vote was:

**YES: 5:** Johnson, Weber, Ralston, Kaiser and Ipsen.

**NO: 0.**

**ABSENT: 1:** Pyburn.

**THE MOTION CARRIED.**

Member Kaiser moved, seconded by Member Ipsen to approve the January 26, 2012 Planning & Zoning Board meeting minutes as presented. Upon roll call, the vote was:

**YES: 5:** Johnson, Weber, Ralston, Kaiser and Ipsen.

**NO: 0.**

**ABSENT: 1:** Pyburn.

**THE MOTION CARRIED.**

**ANNOUNCEMENTS AND CORRESPONDENCE**

No Report.

**OLD BUSINESS**

No Report.

**NEW BUSINESS**

**PZB 12-05 – Request for Rezoning of Property to B-1, limited retail, pending annexation for the property located on Route 83, North of Park Terrace, Commonly Known as 41600, 41628, and 41636 Illinois Route 83 for the construction of a chiropractic office; Petitioner – Dr. Jeffrey Turnbull. PINS 02-17-107-018, 02-17-107-006 – Director Nilsen announced that this hearing will be moved to the June 14, 2012 Planning and Zoning Board Meeting.**

**PZB 12-06 – Request for a Zoning Code Amendment to include the property in the Main Street Transitional Zone for the property located at 950 Hillside Avenue; Petitioner – Emmanuel Giannakakis. PIN 02-07-405-004 – Deputy Clerk Folbrick administered the oath to those who wished to testify.**

Attorney for the petitioner reviewed the request for a zoning amendment. He explained that the current zoning would not allow for outdoor seating café at the restaurant. He stated that there is a grassy area along Hillside Avenue on the East end of the restaurant where the outdoor café would be located. Current parking will not be reduced, and there will be a raised wall along the outside area.

Chairman Karasek asked if the seating area came up to the edge of the easement of the neighboring property. The petitioner related that he also has a present interest in that property. Hours of operation will be the same as the inside. The application is only for the currently owned property.

Director Nilsen provided his staff report for PZB 12-06 explaining the current and proposed zoning designations. He said this property was not included in the village-initiated re-zoning originally because the owner at that time was not notified. The new zoning would allow for the use of an outdoor café. Staff recommends approval of the request.

Member Kaiser asked if outdoor speakers would be installed. The petitioner replied that they would. Member Kaiser asked if there would be any concerns regarding noise. Director Nilsen replied that there have been no objections received by neighbors at this time.

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Member Ralston moved, seconded by Member Ipsen to approve PZB 12-06, request for a zoning code amendment to include the property in the Main Street Transitional Zone for the property located at 950 Hillside Avenue; Petitioner Emmanuel Giannakakis. PIN 02-07-405-004. Upon roll call, the vote was:

**YES: 5:** Johnson, Weber, Ralston, Kaiser and Ipsen.

**NO: 0.**

**ABSENT: 1:** Pyburn.

**THE MOTION CARRIED.**

**PZB 12-07 – Request for a Zoning Code Text Amendment to include Vineyard and Winery into the RE-1/AG Zoning Designation per Title 10-14 of the Village Code; Petitioner – James and Donna Trombino – Deputy Clerk Folbrick administered the oath to those who wished to testify .**

Attorney Jelinek, on behalf of the petitioners, reviewed the request for a zoning code text amendment, and introduced petitioner Deb Trombino. Ms. Trombino provided an overview of the location of the proposed winery, benefits of the business, and the business plan. She indicated that this is a very small vineyard in Illinois compared to others. The wine will not contain more than 14% alcohol by regulation. She further reviewed the layout of the winery and tasting room, and proposed opening of the business in March 2013. She indicated that the tasting room will have limited hours of operation, and will be open by appointment only during winter months. The tasting will be charged to the customer, and limited to 5 oz. total. Banquets and events will not be allowed in the building, which will be mainly for wine making, tastings and a small gift shop. The liquor license would be for tasting only. The petitioner's intent of the business is to enhance Antioch's 'Authentic by Nature' theme.

Member Ralston asked if bottles could be purchased in the gift shop. Ms. Trombino replied that bottles can be sold, but not opened on premises. Member Ralston asked how many employees the business would have. Ms. Trombino replied that there is seasonal help, and minimal staff will be mostly comprised of family.

Member Johnson asked if the petitioner lives on the property. She replied that she did live on the 10-acre property, and the home is located approximately 1.5 acres off of Crawford road. The vineyard will be on the southernmost part of the land. Member Johnson asked why they are seeking annexation. Attorney Jelinek replied that they are seeking a text amendment at this hearing, and not annexation. He asked what the prior use was of the property. Ms. Trombino replied that it was farmland.

Attorney Jelinek added that there are eight businesses operating off of Crawford Road at the current time. She provided a list of the businesses to commission members. The furthest business is 1.5 miles from this property. Current operating businesses nearby include an Ostrich farm, wholesale honey, pig farm, and a nursery; all of which are agricultural uses. Attorney Long asked how many gallons of wine would be produced. Attorney Jelinek replied that 20,000 gallons would be produced if everything grows perfectly and can be harvested.

Member Weber asked if there was room to expand the business. Ms. Trombino replied that there is no room for expansion because of a private golf course neighboring the property.

Chairman Karasek entered 2 letters into the record that were submitted by Daniel and Susan Ewing and John & Pamela Eidmann prior to the hearing. They will be placed into the file for PZB 12-07.

Ms. Patricia Palmeri, 18241 W. Edwards Road, expressed concern with the zoning of the property. She reviewed previous zoning hearings that were near the property, and asked commission members to consider the zoning carefully. She asked what gifts would be sold, what liquor license would be issued by the state and Village, and parking and occupancy requirements. She further asked if Crawford Road would remain in Newport Township, or be Village of Antioch's responsibility.

Ms. Judy Shea 18339 W. Edwards Road, expressed concern with the zoning and how it will affect the neighbors.

Ms. Debbie Nieto, 41690 N. Crawford Road, stated that she moved into the area to be in an agricultural unincorporated zone, and does not want a retail business in the area. She expressed opposition to the petition. She further discussed the outsourcing of products, particularly bringing grapes in from an outside source.

Kathleen Shea, 42275 N. Crawford Road, discussed the incorporations of the nearby communities. She expressed concern with changing the character of the area. She explained that she is the founder, organizer and member of a neighborhood watch program, and a Newport environmental group. She asked Commission members to respect quiet and peace of the area while considering the request.

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Ms. Teri Ramsdale, 42355 N. Crawford Road, said she is not opposed to the development, but has concerns, including water capacity and runoff. She stated that there are current flooding issues on Crawford Road, and asked how the petitioner will handle additional water. She asked if they would be required to connect to sewer, and the costs of those services. She spoke about the two types of liquor licenses available from state liquor board, and asked if the petitioner would be considered a wine maker or manufacturer. She expressed concern with the ability to operate and conduct certain businesses within the radius of where alcohol is served, and that it limits neighboring properties from certain rights. Ms. Ramsdale said that it would be changing the characteristic of the neighborhood.

Chairman Karasek explained that this is not an annexation hearing, but rather a text amendment, and specific locations should not be discussed.

Ms. Sue Rabken, 42186 N. Crawford Road, does not agree with the dispensing of alcohol next to her home in a residential area. She has no issue with agricultural uses, but does have issues with traffic, sales of alcohol, and the affect on children.

Mr. Dave Rabken, 42186 N. Crawford, said that he has no objections to growing and processing grapes. He stated that none of the businesses mentioned earlier have retail sales, and that would be new to the neighborhood.

Ms. Pamela Eigmann, 42360 N. Crawford, stated that the ostrich farm is not a farm, but a web based business. She expressed concern about setting a precedent in the neighborhood for commercial business, and also with commercial businesses purchasing properties in an economy where residents cannot afford to keep or purchase their property.

Attorney Jelinek replied to concerns, and added that many are not germane to the request for a text amendment. She stated that any liquor license issued is controlled by the Illinois Liquor Control Commission, and all liquor and tastings will occur in a controlled environment. She discussed alcohol content defined by the CDC, and presented a BAC chart issued by the Illinois State Police which shows that one 5 ounce glass of wine for a 100 lb. person would result in a Blood Alcohol Content (BAC) of .03, which is less than half legal limit for alcohol. Attorney Jelinek address traffic concerns stating that the property is located one half mile off of route 173, which would be the main road to access winery. Within that space, there are 5 residences from Route 173 to the site, two of which are vacant. Three residences from route 173 will be affected by any traffic, and she does not believe that the business will generate many cars. She stated that the license through state would be classified as a specialty retail license, and comes with stringent rules. She said that the nearby Brighton Stables is a commercial stable that has an arena, operates horse shows, has events, and a uses speaker system. She believes neighbors concerns are speculative, and quote no statutes. She discussed the characteristics of the property in the area, which are 10 acre parcels with no sidewalks.

Ms. Trombino explained the wine making process stating that no water is used to make wine. Water is used to wash barrels and equipment. She stated that past problems with flooding on the property resulted from a broken tile beneath the property, and was fixed awhile ago. She further addressed the hours of operation and explained that they are limited. She addressed traffic concerns and said that the way the business is setup lends itself to the area as a boutique.

Chairman Karasek asked if the occupancy was determined yet for the tasting area. Ms. Trombino said the occupancy has not yet been determined, but it would be very small.

Member Johnson asked why the petitioner is seeking a text amendment to RE-1 instead of coming up with a new zoning. Attorney Jelinek stated that RE-1 has the necessary acreage requirement. He asked why the petitioner would go through an annexation instead of staying in Lake County. Attorney Jelinek said that annexing into the Village is the petitioner's first choice.

Member Weber asked if the definition of winery license in the text amendment would encompass tasting and retail sales, or if it is limited to production of wine. Attorney Long replied that it would depend on the definition. He explained the process of making a text amendment, stating that the petitioner is currently asking for a text amendment to include wineries as an allowed use in an RE-1 zoning designation. He stated that the Village Board will need to make a decision on the definition of a winery. Attorney Long reviewed the entire process the petitioner will need to go through in order to operate their proposed business, including a text amendment, annexation and licensing requirements. He further stated that the ownership of Crawford Road that will be annexed goes to the Village of Antioch and will no longer be maintained by Newport Township.

Ms. Nieto, said that she owns four businesses that have liquor licenses, and goes to many wine tastings. She stated that in her experience, more than the allowed 5 ounces of alcohol will be consumed. She stated her opposition to a retail business in the area, and suggested the petitioner rent a space in downtown Antioch to do the tastings there.

Ms. Ramsdale stated there is a tremendous amount of foot traffic on Crawford Road, and it is a busy pedestrian area, not a commercial area. She would like to see a financial plan for the business.

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She said she has a problem with the framework being created, and the potential to bring in other wine and beer to sell on the land. Attorney Long explained that regulations must be in place in order to sell alcohol.

Director Nilsen reviewed the staff recommendation regarding the request for a text amendment. He said existing, permitted, and surrounding land uses must be considered when making a text amendment to help promote compatibility within the area. He stated that Crawford Road has similar characteristics to the Antioch RE zone. He listed Lake County's schedule of permitted uses in agricultural zoning including churches, schools, day cares, and stables, all of which are similar to the Village of Antioch RE zoning categories. Based upon permitted uses, he believes a winery is on par with the level of intensity and impacts that it may have to the area. No studies indicate that such a use would endanger the health or safety of the public. He said issues regarding special events could be included in the terms and conditions of the approval and built into wineries in general. Staff recommends approval of the request because it is compatible with current uses, and adverse impacts are not significant.

Member Ipsen asked if the county would allow the business. Director Nilsen replied that the proposed use is currently not listed, but codes cannot list every possible use. Both the Village of Antioch and Lake County would have to consider the request to avoid exclusionary zoning.

Member Kaiser asked what other RE-1 uses would be affected. Director Nilsen replied that it would not affect other businesses from operating. An incoming business would not need to comply with distance restrictions; that onus is on the licensee when applying for their license.

Neighbors further discussed retail sales in the area, and said Lake County had a board meeting where the petitioner's original request was denied. The petitioner responded that in no way did the County turn them down. They decided to go with Antioch over the county after meeting with village staff.

Member Johnson moved, seconded by Member Kaiser, approve PZB 12-07, Request for a Zoning Code Text Amendment to include Vineyard and Winery, into the RE-1/AG Zoning Designation per Title 10-14 of the Village Code, limited to a minimum of 5 acre parcels, wine produced on site, 25,000 gallons or less per year, and onsite sales only limited to items accessory to wine. Upon roll call, the vote was:

**YES: 5:** Johnson, Weber, Ralston, Kaiser and Ipsen.

**NO: 0.**

**ABSENT: 1:** Pyburn.

**THE MOTION CARRIED.**

### **ADJOURNMENT**

There being no further discussion, Member Johnson moved, seconded by Member Ralston to adjourn the Planning and Zoning Board meeting at 9:18 p.m.

Respectfully Submitted,

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Lori K. Folbrick  
Deputy Clerk