

APPROVED MINUTES
VILLAGE OF ANTIOCH
PLANNING & ZONING BOARD, REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
November 12, 2015

OPEN MEETING

Chairman Karasek called the November 12, 2015 Planning & Zoning Board meeting to order at 7:32 PM in the Municipal Building: 874 Main Street, Antioch, IL.

PLEDGE OF ALLEGIANCE

Chairman Karasek and the Planning & Zoning Board led the Pledge of Allegiance.

ROLL CALL

Roll call indicated the following members were present: Johnson, Weber, Ralston, and Kaiser. Absent were members Pyburn and Ipsen. Also present were Chairman Karasek, Attorney Long, Village Administrator Jim Keim and Secretary Slazes.

ANNOUNCEMENTS AND CORRESPONDENCE

Administrator Keim mentioned a petition from Friends of Lake Antioch to be put on the next PZB meeting agenda. He also mentioned there were two strong candidates to fill the Director of Community Development position.

MEETING MINUTES

Approval of the October 8, 2015 Planning & Zoning Board Meeting minutes as presented— Member Kaiser moved, seconded by Member Weber, to approve the October 8, 2015 Planning & Zoning Board Minutes as presented. Upon roll call, the vote was:

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

NO: 0.

ABSTAIN: 1: Johnson.

ABSENT: 2: Pyburn and Ipsen.

THE MOTION CARRIED.

OLD BUSINESS

PZB 15-06 – Request for a Planned Unit Development Amendment to revise the planned development of 64 townhome units at Sprenger Drive (east of Deercrest Drive), Walker Drive (northeast of Deercrest Drive), Kevin Court and Brian Court East to a development comprised of 38 single family homes—Petitioner: Troy Mertz, Antioch Land Trust – *Continued from the September 10, 2015 Planning & Zoning Board Meeting.* Per Village Attorney Bob Long, Mr. Troy Mertz, petitioner, was attending a meeting of the Clublands Homeowners Association. Mr. Mertz's attorney submitted a written document requesting a continuance to the December 10, 2015 Planning & Zoning Board Meeting, or to such other time as PZB would have a quorum and could take action. Member Johnson moved, seconded by Member Ralston, to continue PZB 15-06 to the December 10, 2015 PZB meeting, or such time there would be a quorum. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 2: Pyburn and Ipsen.

THE MOTION CARRIED.

NEW BUSINESS

PZB 15-07 – Request for a text amendment/special use to allow a resale shop building adjacent to the church – Petitioner: St. Ignatius of Antioch Episcopal Church. Secretary Slazes administered the oath to those who wished to testify. Mr. Les Ottenheimer, Attorney representing St. Ignatius delivered required mailings to the secretary and introduced himself. Mr. Ottenheimer gave background on the church. St. Ignatius, founded in 1915, moved from Main Street to its current location on Depot in 2001. In 2008 the church constructed a "barn" currently used as a resale shop. Permits were not sought at the time as they felt it was an extension of the church and did not believe they were required to do so. Once it was determined permits were necessary, the church contacted Mr. Ottenheimer. He has been in touch with the Village and Attorney Bob Long and they're prepared to move forward. Property is currently zoned RE-3 and a resale shop is prohibited. Mr. Ottenheimer then questioned Bonnie Adriansen, a resident of Antioch and Lead Ministry member of St. Ignatius, regarding hours of operation, neighborhood impact, revenue obtained, etc. Per her testimony, their hours of operation are Wednesday & Friday from 9-4, Thursday from 11-7 and Saturday from 9-2 and have no plans to extend these hours. Funds made from resale shop go back into the ministry and charitable gifts. Persons working in the shop are volunteers. They have well water, but are on village sanitary sewer. Many of their items for sale are donated including clothing, shoes, furniture, housewares and tools. They do not purchase any items for resale. They do not consider themselves a retail operation.

Questions from board members were entertained. Member Johnson asked what amount of money is made monthly. Ms. Adriansen responded with approximately \$3,000.00 and 20 to 25% is given away to people in need. He then asked if there was any work performed in the shop since it was

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constructed and the response was insulation and wall board. No permit was obtained per Ms. Adriansen because she said she was told by the village that a permit was not necessary. Member Johnson asked if there are any plans for further work being performed and Ms. Adriansen stated she'd like some electrical improvements. Member Johnson expressed concerns regarding a barn being turned into a resale shop with the general public having access and asked if the resale shop is handicap accessible. Ms. Adriansen said they are handicap compliant with a paved lot, concrete approach and oversized door. Member Johnson asked about food sales. There is no food being sold there. Only non-perishable items come in from donations and are then sent out to the local food pantries.

Member Weber asked if the shop is up to code or should there be an inspection by a village inspector. Mr. Brian Filiatreau, from Salem, Wisconsin and owner of MDR Products, wished to answer. He stated what they're calling a barn is technically a post-frame structure which is an approved building by the International Building Code. He stated the building meets all code requirements whether it is a storage or mercantile building and has two exits. There are no special requirements due to the square footage of the building as far as type A materials, or as far as plumbing or water requirements because it is an incidental structure to the existing church which can accommodate those facilities. The square footage is 2400 per Mr. Filiatreau. Member Weber asked if the building needs to have fire sprinklers and Administrator Keim said he was not aware the building needs to be sprinkled.

Member Ralston asked if there are any uses for the building other than the resale shop and Ms. Adriansen said there is a second floor being used for storage and the public does not have access to that portion of the building.

Member Kaiser wished to touch on the bathroom issue and any disabled patrons. He believes there should be an interior bathroom. Mr. Filiatreau stated per the IBC code 2902.4 there should be bathroom facilities within 500 feet of the structure. Member Kaiser asked if there were any plans to add or increase signage to advertise the resale shop and Ms. Adriansen said no.

Chairman Karasek asked if there were any pictures or presentation to be viewed. Mr. Ottenheimer said no and that was an oversight on his part. Chairman Karasek asked if Mr. Filiatreau was involved from the start and he said that yes, he was the contractor that erected the building. Chairman Karasek asked if Mr. Filiatreau had worked with Village while erecting the barn. He said yes and his village contact at the time was Mr. Bill Rantz, Village inspector. They had submitted a set of commercial plans to meet all requirements. Chairman Karasek wanted to know if permits were obtained to install electric. Mr. Jim Bletsch, an Antioch resident and retired construction superintendent, stated the installation of electric was done by himself and a friend who still holds an electricians license and a permit was obtained and all inspections were done by the village. He also stated there are fire extinguishers at every door and pointed out there are more extinguishers than are required.

Several members of the public spoke briefly in support of the resale shop including Mary Geier of Bristol, WI; Katie Nixon of Antioch; Erica Schwarz of Bristol, WI; and Bill Landis of Antioch. Staff report was then presented by Jim Keim, Village Administrator and acting Director of Community Development. In approximately 2009 the building was constructed for cold storage. Goods stored in the building were sold at a rummage sale on the property on an annual or semi-annual basis. Other permits were subsequently issued for building improvements such as stairs, electric and concrete floor with no change in occupancy or use of the building. In 2014 the village became aware of the intentions of the church to open the building to the public as a resale shop. RE-3 zoning does not allow for retail use or public gathering occupancy other than a church. The petitioner is seeking a special use approval from the Village for the operation of a resale shop. Section 10-15-5 of the Village Code sets out the approval criteria which shall be applied in reviewing each special use application. Staff commentary to each criterion follows:

- Based on the relatively low volume of the resale shop and the hours of operation being similar to the school use to the north, there appears to be an acceptable level of compatibility between the existing and proposed uses.
- There is no proposed increase to the density or intensity of the proposed use.
- There is no evidence that the proposed use will change the predominant character of the area.
- Based on typical resale shop operations and the number of customers, there appears to be no indications that the use will generate undesirable negative impacts.
- Based on typical resale shop operations and the number of customers, there appears to be no indications that the use will generate undesirable negative impacts to traffic and parking.
- The site is on well and septic and not currently connected to the Village utility system. The proposed use does require the installation of bathrooms per the plumbing code and so the impact to that system is yet to be determined, or if that system is capable to handle the additional flow is yet to be determined.
- No changes are proposed to the structure.
- While the Village has not issued any change of use or occupancy for public habitation for the storage building, the petitioner has elected to operate the resale shop since October of 2014. The Village is unaware of the building's compliance to the building code due to no submission of construction documents that demonstrate that the plumbing code, energy code, accessibility code, or emergency alarming code has been received.

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Staff recommendation as follows:

If the Commission and Board wish to recommend the special use approval, it should make a finding that the petition, including any conditions committed to by the petitioner, and land use restrictions placed upon the use, meet the evidentiary standards of Title 10-15-5 of the Village Code as they relate to special uses.

Based upon the review of the proposed use and the criteria found in section 10-15-5 of the Village Code, staff recommends approval of the special use, subject to the Church committing to a sensible plan to comply with the building codes for a retail shop to include submitting construction drawings for permit and occupancy as a shop, a cost estimate of the work, as well as a schedule for compliance.

Member Johnson expressed concern that granting a special use might open the door for all religious organizations to operate resale shops. Member Weber wanted clarification that the request is for a special use and not a zoning change. Village Attorney Long clarified that the village feels a special use is the correct route to take so there will be some control and have reasonable restrictions on that use. Member Ralston wanted clarification on the bathroom subject. Administrator Keim confirmed the village would require restroom facilities to be installed in the resale shop. Chairman Karasek asked Attorney Ottenheimer if his client is acceptable to inspections and all things involved to bring the resale shop up to code. Attorney Ottenheimer stated his client is absolutely open to going through any process that would bring them up to code and felt the only issue needing clarification is whether the plumbing code does require an interior restroom.

Member Johnson moved, seconded by Member Kaiser, to table PZB 15-07 to the December 10, 2015 PZB meeting to provide additional criteria on special use. Upon role call the vote was:

YES: 3: Johnson, Weber and Kaiser.

NO: 1: Ralston

ABSENT: 2: Pyburn and Ipsen

THE MOTION CARRIED.

Member Johnson moved, seconded by Member Kaiser, to table the special use to the December 10, 2015 PZB meeting in view of our table of the first motion to define special use in RE-3 zone. Upon role call the vote was:

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

NO: 0.

ABSENT: 2: Pyburn and Ipsen.

THE MOTION CARRIED.

ADJOURNMENT

There being no further discussion, member Weber moved, seconded by member Ralston to adjourn the regular meeting of the Planning & Zoning Board at 8:43 p.m.

Respectfully submitted,

Nancy M. Slazes
PZB Secretary