

APPROVED MINUTES

**VILLAGE OF ANTIOCH
PLANNING AND ZONING BOARD – REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL 60002
April 5, 2023**

A. CALL TO ORDER

Chairwoman Henning called the April 5, 2023 regular meeting of the Planning and Zoning Board to order at 6:59 pm at the Antioch Municipal Building.

B. PLEDGE OF ALLEGIANCE

The Planning and Zoning Board led the Pledge of Allegiance.

C. ROLL CALL

Roll call indicated the following Trustees were present: Ryan, Sanfilippo, McCarty, Carstensen, Madigan and Turner. Also present were Chairwoman Henning, Community Development Director Garrigan, Attorney Vasselli and Recording Secretary Thiel.

D. ANNOUNCEMENTS AND CORRESPONDENCE

None.

E. APPROVAL OF THE MARCH 1, 2023 PLANNING & ZONING BOARD MEETING MINUTES AS PRESENTED

Commissioner Turner moved, seconded by Commissioner Sanfilippo, to approve the March 1, 2023 Planning and Zoning Board meeting minutes as presented.

Upon roll call, the vote was:

YES: 7: Ryan, Sanfilippo, McCarty, Carstensen, Madigan, Turner and Henning.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

F. PUBLIC COMMENT

There was no public comment prior to the public hearings.

G. OLD BUSINESS

1. PZB 23-01 – Consideration of a text amendment to Section 10-5-14 establishing an ordinance for commercial solar farms

Director Garrigan stated this item was a continuation of the public hearing. He reviewed the text amendment with modifications, which were made with assistance from Commissioner Turner. The modifications include:

1. Stipulations regarding the location of solar farms near environmentally sensitive areas,
2. Prohibiting double panel trackers to limit height,
3. Minimum of 20-foot landscape buffer will be required,
4. Definitions of allowed landscape buffers,
5. Provisions regarding glare mitigation,
6. Linear areas must allow full access for maintenance and emergency vehicles,
7. Decommissioning provisions to prevent abandonment,
8. And a \$10,000 per acre bond requirement.

Commissioner Ryan asked if the \$10,000 per acre bond requirement is based on present day values. Director Garrigan stated the provisions will allow letters of credit or surety bonds to be updated if the cost of decommissioning increases.

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Commissioner Sanfilippo asked for clarification of the required size of a landscape buffer. Director Garrigan stated in the previous staff report the requirement was 30 feet, but 20 feet is now being proposed.

Commissioner McCarty asked what the buffer requirement would be if there is a berm. Director Garrigan advised the board will have the right to address that if it is part of a site plan review. Commissioner McCarty expressed concerns about poles being driven into the ground without a foundation. Director Garrigan stated he believes the poles are typically driven into the ground, but the concern could be addressed when an applicant presents their plan. Commissioner McCarty requested there be additional language in the ordinance to address inflation and require an applicant to have a bid and plan in place for decommissioning. Director Garrigan reiterated there are stipulations in the ordinance regarding decommissioning requirements and the price and inflation provisions can be included in a letter of credit.

Commissioner Carstensen asked if the text amendment would impact the current applicant and expressed concern that the applicant would perceive the ordinance was designed against them. Director Garrigan explained that he intended to have the ordinance drafted prior to the applicant presenting their plan. The ordinance was not drafted with the applicant in mind. The applicant could still request a PUD or variance. Commissioner Carstensen asked Commissioner Turner if the proposed ordinance will deter applicants from looking in Antioch. Commissioner Turner explained the ordinance is intended to protect the Village but not be “anti-business”. He further stated the ordinance is strong, but not too strong.

Commissioner Madigan stated she is hopeful that decommissioning will be figured out and be done well in 30 years.

Commissioner Turner commended Director Garrigan for his work on the ordinance.

Commissioner Sanfilippo moved, seconded by Commissioner Madigan, to recommend approval of the text amendment to Section 10-5-14 related to commercial solar farms.

Upon roll call, the vote was:

YES: 7: Ryan, Sanfilippo, McCarty, Carstensen, Madigan, Turner and Henning.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

2. PZB 23-02 – Consideration of a text amendment to Sections 10-19-3 and 10-19-7 prohibiting cannabis lounges as part of any conditional/special use for any cannabis uses within the Village of Antioch

Director Garrigan stated this item was a continuation of the public hearing. There has been extensive discussion about prohibiting cannabis lounges. When the Village Board originally approved the original cannabis ordinance, they made it clear that they were not comfortable with allowing a cannabis lounge. They directed staff to have a specific provision in the ordinance that would prohibit it. Director Garrigan stated the ordinance currently is silent on it, but it doesn't specifically allow it, per se.

Attorney Vasselli gave an overview of the Illinois State Statutes related to on-site cannabis consumption. He explained that municipalities can adopt reasonable regulations. Attorney Vasselli asked for two motions to be made:

1. For the Commission to direct Attorney Vasselli and Director Garrigan to contact the applicable Illinois regulatory agencies to confirm the findings made by Attorney Vasselli and Director Garrigan on this issue.
2. Approval to incorporate the results of Attorney Vasselli and Director Garrigan's research into the text amendment.

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Commissioner McCarty moved, seconded by Commissioner Ryan, to direct Attorney Vasselli and Director Garrigan to do additional research by contacting the Illinois regulatory agencies.

Upon roll call, the vote was:

YES: 7: Ryan, Sanfilippo, McCarty, Carstensen, Madigan, Turner and Henning.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

Commissioner McCarty moved, seconded by Commissioner Sanfilippo, to make a recommendation to the Village Board for additional regulations on zoning conditions for cannabis dispensary operations in the Village of Antioch based upon the research done by Attorney Vasselli and Director Garrigan.

Commissioner McCarty expressed concern about the impacts of limiting people from on-site consumption.

Chairwoman Henning asked Director Garrigan what the Village Board's position is on this topic. Director Garrigan answered that the majority of the Village Board has made it clear that they do not support on-site consumption.

Attorney Vasselli advised the Commission of the parameters of its authority. He stated that the Village Board is seeking guidance from them regarding the policy, but the Village Board can always decide to overrule the Commission's recommendation.

Commissioner McCarty moved, seconded by Commissioner Sanfilippo, to continue PZB 23-02 to the May 3, 2023 meeting.

Commissioner Madigan stated she attended the Village Board meetings when this topic was initially discussed. In her opinion, if the Village Board did not want to allow consumption, then they would not have approved the ordinance as it was at that time.

Commissioner Turner agrees that additional education is needed.

Upon roll call to table this item, the vote was:

YES: 2: McCarty and Turner.

NO: 4: Ryan, Sanfilippo, Carstensen, and Madigan.

ABSTAIN: 1: Henning.

ABSENT: 0.

THE MOTION FAILED.

Commissioner Madigan moved, seconded by Commissioner Sanfilippo, to deny the recommendation for the consideration of a text amendment prohibiting cannabis lounges.

Upon roll call, the vote was:

YES: 4: Sanfilippo, McCarty, Carstensen, and Madigan.

NO: 3: Ryan, Turner and Henning.

ABSENT: 0.

THE MOTION CARRIED.

H. NEW BUSINESS

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1. PZB 23-03 – Consideration of a variance to section 10-14-6(B)(2a) and (3c) of the Village’s Sign Ordinance, seeking relief from the location, design, and size of a monument sign to be located at the property commonly known as 1130 Main Street; PIN 02-17-101-052

Director Garrigan stated this was a public hearing. He presented the variance for a new sign for the Town Square located at the corner of Route 173 and Main Street. He gave a brief history of the property. The applicant would like to replace the existing pylon sign with a monument sign. Director Garrigan reviewed the requirements for monument signs. The applicant is proposing to construct a monument sign that complies with the height, overall square feet, base and materials. They are requesting to use the foundation from the existing pylon sign which does not comply with the 10-foot setback. They are asking for relief to construct the new sign on the current location of the existing pylon sign. Director Garrigan presented the facts and findings to support the variance. Staff visited the site to investigate potential issues with a monument sign blocking sightlines. Staff concluded sufficient sightlines would be maintained and a monument sign would not create any safety issues. Staff supports removing the existing pylon sign and replacing it with a monument sign.

Commissioner McCarty noted the location of the sign is on the parkway.

Mr. Tom Holland, contractor for the applicant, wished to address the board. He was administered the oath by Attorney Vasselli.

There was a brief recess at 8:00 pm. The board reconvened at 8:05 pm.

Mr. Holland explained that the applicant would like to construct a monument sign that is a single slat sign as opposed to two slats. Two slats would be more difficult to see. The modifications will remain within the sign code’s required square footage.

Commissioner McCarty asked for clarification on where the right of way ends.

Commissioner Turner expressed concern about the sign location because of traffic going in and out of the entrance to McDonald’s and the parking lot. He asked if there has been consideration of moving the location of the sign a couple hundred feet north so it will be in line with the building. Mr. Holland stated that could be applied. Chairwoman Henning agreed that moving the sign north will allow better visibility of the sign. Commissioner McCarty agreed with the suggested location. Commissioner Madigan added the suggested location may cause people driving north to not be able to see what is in the plaza until they have passed the entrance, so they may turn in to the exit down by the Subway.

Commissioner McCarty moved, seconded by Commissioner Sanfilippo, to approve the request for a variance to construct a monument sign at 1130 Main Street, opening up the sightlines and moving the sign back in line with the building.

Upon roll call, the vote was:

YES: 7: Ryan, Sanfilippo, McCarty, Carstensen, Madigan, Turner and Henning.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

2. PZB 23-04 – Consideration of a variance from Section 10-10-5(D) and (E) related to setbacks and design for the property commonly known as 0 Depot Street, 362 E. Depot Street and 352 E. Depot Street; PINs 02-08-306-004, 02-08-306-003 & 02-08-306-005

Director Garrigan stated this was a public hearing. He stated the applicant is the Village and the Village is proposing a variance and site plan review for a proposed café located in an open space located at Depot Street and Main Street. He gave a brief background of the Village’s plans to turn the open space into a park and the consensus is there is a need for a café. A variance is needed based on the setbacks

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and relief from the seventy-five percent requirement for windows. He further presented the facts and findings. Staff believes that the proposed setback will not have a negative impact on the surrounding area. However, if the variance is not successful, the café building would need to be smaller and possibly placed in a different location. The Village wants the building design to be consistent with the design and historic character of the downtown. Staff is requesting two separate motions:

1. Approval of the proposed variance.
2. Approval of the proposed site plan.

Commissioner Madigan moved, seconded by Commissioner Turner, to approve the variance related to the setbacks and design of a proposed café located at 0 Depot Street, 362 E. Depot Street and 352 E. Depot Street.

Upon roll call, the vote was:

YES: 7: Ryan, Sanfilippo, McCarty, Carstensen, Madigan, Turner and Henning.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

Commissioner Madigan moved, seconded by Commissioner Turner, to approve the site plan for a proposed café located at 0 Depot Street, 362 E. Depot Street and 352 E. Depot Street.

Upon roll call, the vote was:

YES: 7: Ryan, Sanfilippo, McCarty, Carstensen, Madigan, Turner and Henning.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

I. ADJOURNMENT

There being no further discussion, the Planning and Zoning Board regular meeting adjourned at 8:29 pm.

Respectfully submitted,

Rachel Thiel
Recording Secretary