

APPROVED MINUTES

**VILLAGE OF ANTIOCH
PLANNING AND ZONING BOARD – REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL 60002
June 7, 2023**

A. CALL TO ORDER

Commissioner McCarty called the June 7, 2023 regular meeting of the Planning and Zoning Board to order at 7:00 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 Commissioners were present: Sanfilippo, McCarty, Carstensen, and Madigan. Also present were Community Development Director Garrigan, Attorney Vasselli and Recording Secretary Thiel. Absent: Commissioner Ryan, Commissioner Turner and Chairwoman Henning.

Commissioner Madigan moved, seconded by Commissioner Carstensen, to appoint Commissioner McCarty as temporary chair for the meeting.

Upon roll call, the vote was:

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

NO: 0.

ABSENT: 3: Ryan, Turner and Henning.

THE MOTION CARRIED.

D. ANNOUNCEMENTS AND CORRESPONDENCE

None.

E. APPROVAL OF THE APRIL 5, 2023 PLANNING & ZONING BOARD MEETING MINUTES AS PRESENTED

Commissioner Sanfilippo moved, seconded by Commissioner Carstensen, to approve the April 5, 2023 Planning and Zoning Board meeting minutes as presented.

Upon roll call, the vote was:

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

NO: 0.

ABSENT: 3: Ryan, Turner and Henning.

THE MOTION CARRIED.

F. PUBLIC COMMENT

There was no public comment prior to the public hearings.

G. OLD BUSINESS

None.

H. NEW BUSINESS

1. PZB 23-05 – Consideration of a Special User for the operation of a cannabis dispensary at the property commonly known as 417 E IL Route 173, Suites 106 & 107 PIN 02-16-201-002

Director Garrigan stated this was a public hearing. He explained that the applicant was previously given approval by the Village Board in February for a Special Use at the former Antioch Packing House located at 510 Main Street. However, after extensive discussion, the applicant found they were not in the

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position to proceed with that Special Use due to prohibitive costs to rehab the building. Staff has been working with the applicant to find a new location because the applicant believes that Antioch would be a very good market for a potential cannabis dispensary. Director Garrigan further explained staff identified a potential site for the applicant. The building located at 417 E IL Route 173, commonly known as the Antioch Crossings building, is located between Menards and Walmart and has two available units with a combined space of 2,436 square feet. He stated the applicant is interested in using the location as a dispensary only, there will be no consumption on site. Director Garrigan gave additional details of the location and parking amenities. Staff does not believe there would be any negative impact on the adjacent properties. He continued that staff is not currently making a recommendation to approve the Special Use request due to some major legal procedural issues. Director Garrigan explained there is an existing daycare located just south of Aldi's. GIS measurements indicate there is 885 feet between the Antioch Crossing property line and the daycare facility's property line. Village ordinance states there needs to be at least a 1,000-foot property buffer between a cannabis facility and a daycare facility's property line. GIS measurements indicate there is 1,150 feet between the proposed cannabis facility and the daycare facility's property line. This has produced the question of legal interpretation of the ordinance. Director Garrigan believes further legal analysis is necessary and staff is requesting a continuance of this matter to the next meeting.

Commissioner McCarty asked if surrounding properties had been notified. Director Garrigan stated a list was provided to the applicant of the surrounding properties, staff reviewed the correspondence and posting and publishing was done.

Attorney Vasselli administered the oath to those who wished to testify.

Mr. Jeffrey Scales, petitioner, gave a brief explanation of why they could not make the Antioch Packing House location work for their facility. He believes all the criteria for the building and the facility have been met with the Antioch Crossings location, the only hiccup is the interpretation of the 1,000-foot buffer. He explained the ordinance specifically states that the facility cannot be located within 1,000 feet of the property line of the daycare facility. He further explained that if it is interpreted as facility to property line, they exceed the criteria. The second option would be to request a variance. The third option would be to split the Antioch Crossings property separating the parking lot from the building.

Attorney Vasselli read aloud Ordinance 10-19-7. He stated the term "facility" is not necessarily defined in the code; therefore, a text amendment or variance would be necessary.

Commissioner Sanfilippo asked Director Garrigan if the Antioch Crossing location was included on the map of potential cannabis dispensary locations. Director Garrigan explained that the part of the property located outside of 1,000-foot buffer is located on the map. He further explained staff has been consistent with other applicants with measuring from property line to property line. He stated procedural relief will be needed in this case. He agrees with counsel that a variance would be best.

Commissioner Carstensen stated she would prefer to see a text amendment as opposed to a variance to maintain consistency.

Commissioner Madigan stated she would be fine with either a text amendment or a variance, but she expressed concern about a variance opening the door for variances for other applicants. Attorney Vasselli explained that one variance does not necessarily mean all applicants will apply or receive a variance.

Mr. Scales reiterated that he is looking to take the path of least resistance so they can open as quickly as possible. Dividing the lot could take approximately 45 days but they are willing to do it.

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Attorney Vasselli asked Mr. Scales to confirm that he will not be moving forward with the Antioch Packing House location. Mr. Scales answered he will not be moving forward with the Packing House location because they prefer the location at 417 E IL Route 173.

Commissioner Sanfilippo moved, seconded by Commissioner Carstensen, to continue PZB 23-05 to a Special Meeting to be held on Tuesday, June 27, 2023 at 7:00 pm.

Upon roll call, the vote was:

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

NO: 0.

ABSENT: 3: Ryan, Turner and Henning.

THE MOTION CARRIED.

2. PZB 23-06 – Consideration of a Special Use for the operation of a cannabis dispensary at the property commonly known as 453 Main St; PIN 02-05-300-073

Director Garrigan stated this was a public hearing. He presented the applicant's proposal to use a small frontage of the subject property to install a temporary trailer for use as a cannabis dispensary while they construct a new building. The applicant will then use a portion of the new building for permanent use once construction is completed. Director Garrigan gave a brief review of the adjacent properties. Most of the adjacent property is generally light industrial, except for the residential area of the Oakwood Knolls subdivision. There is nothing to indicate that the Special Use would have a negative impact on any of the adjacent properties. He continued to provide an overview of the existing building, the proposed trailer and proposed permanent building, parking amenities, and potential need for new access points. The applicant has submitted a new proposed elevation and staff would like to continue to work with the applicant and the owner to revise the elevation to keep the look of the building consistent with a commercial appearance. The applicant has also provided an extensive landscape plan as part of the Special Use. He explained that there would be double buffering between the property and the adjacent residential properties located within the Oakwood Knolls subdivision. Staff believe this will minimize any potential impacts on the single-family homes. Director Garrigan added that staff was made aware the morning of the meeting that there may be an existing daycare operating out of a single-family home adjacent to the subject property. Staff originally made a favorable recommendation for approval of the proposed Special Use, but if there is a daycare, there will need to be a variance or text amendment for the applicant to seek relief of the 1,000-foot buffer. Staff now seeks to have this matter continued.

Steve Weber with PTS Consume, petitioner, gave a brief overview of the proposed temporary trailer and its IDFPR compliance. He explained that they were just made aware that there may be a daycare operating near the subject property. They would like to get a zoning variance to allow them to operate.

Attorney Vasselli asked Mr. Weber if he had completed a compliance affidavit. Mr. Weber stated he will submit the affidavit.

Commissioner Sanfilippo asked if the bay doors could be moved to the back of the new building. Mr. Troy Sunday, property owner and developer, answered the doors can be changed.

Commissioner Sanfilippo inquired about the lighting. Mr. Jeremy Stanulis, architect, and Director Garrigan gave an overview of the site lighting. Commissioner Sanfilippo asked how long the applicant would be operating out of the temporary trailer. Mr. Weber answered they will be operating out of the temporary trailer for four or five months.

Commissioner Madigan inquired about the distance between the proposed building and the Lighthouse Church located on North Avenue. Director Garrigan answered the site does comply with the 1,000-foot buffer, but churches are not included in the buffer zone. He further stated if there is a licensed home daycare located in Oakwood Knolls, staff was not initially made aware of it.

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Ms. Darcy Dussault, Oakwood Knolls resident, stated she has been operating a licensed home daycare out of her home for 25 years. Commissioner Madigan asked Ms. Dussault if there was direct access from the site to Oakwood Knolls. Ms. Dussault answered there is a wooded area, but it is within walking distance. Commissioner Madigan asked if there would be fencing. Director Garrigan stated that there would potentially be two fences and an additional landscaping buffer.

Commissioner McCarty asked if Ms. Dussault's home was located within the 1,000-foot buffer. Director Garrigan answered staff will be doing a measurement.

Commissioner Madigan moved, seconded by Commissioner Sanfilippo, to continue PZB 23-06 to a Special Meeting to be held on Tuesday, June 27, 2023 at 7:00 pm.

Upon roll call, the vote was:

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

NO: 0.

ABSENT: 3: Ryan, Turner and Henning.

THE MOTION CARRIED.

1. **PZB 23-07 – Consideration of a Text Amendment to the Zoning Ordinance regarding the lapse of Special Use Permits**

Director Garrigan stated that the text amendment was being presented to get input. It is not ready for a public hearing. He read aloud Section 10-4-9 (I) and explained that staff would like to discuss adding stipulations that would allow the Village to rescind a Special Use.

Commissioner Sanfilippo stated one year is a long time. Director Garrigan agreed and stated it could hold up other potential development opportunities.

Attorney Vasselli added most communities allow 180 days.

Commissioner McCarty stated six months is fair for a small lot, but we could add an acceptable sunset for a PUD.

I. ADJOURNMENT

There being no further discussion, the Planning and Zoning Board regular meeting adjourned at 8:18 pm.

Respectfully submitted,

Rachel Thiel
Recording Secretary