

# APPROVED MINUTES

## VILLAGE OF ANTIOCH PLANNING AND ZONING BOARD – SPECIAL MEETING Municipal Building: 874 Main Street, Antioch, IL 60002 June 27, 2023

### **A. CALL TO ORDER**

Chairwoman Henning called the June 27, 2023 special 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: McCarty, Carstensen, Madigan and Turner. Also present were Chairwoman Henning, Community Development Director Garrigan, Attorney Vasselli and Recording Secretary Thiel. Absent: Commissioner Ryan and Commissioner Sanfilippo.

### **D. ANNOUNCEMENTS AND CORRESPONDENCE**

None.

### **E. APPROVAL OF THE JUNE 7, 2023 PLANNING & ZONING BOARD MEETING MINUTES AS PRESENTED**

Commissioner McCarty moved, seconded by Commissioner Carstensen, to approve the June 7, 2023 Planning and Zoning Board meeting minutes as presented.

Upon roll call, the vote was:

**YES: 3:** McCarty, Carstensen, and Madigan.

**NO: 0.**

**ABSTAIN: 2:** Turner and Henning.

**ABSENT: 2:** Ryan and Sanfilippo.

**THE MOTION CARRIED.**

### **F. PUBLIC COMMENT**

There was no public comment prior to the public hearings.

### **G. NEW AND OLD BUSINESS**

#### **1. PZB 23-07 – Consideration of a Variance(s) from the required 1,000 buffer between a Child Care facility and a Cannabis Dispensary related to the properties commonly known as 453 and 471 Main Street; PIN 02-05-300-073 & 02-05-300-075**

Director Garrigan stated this was a public hearing. He provided a brief explanation of the applicant's request for a variance and reviewed the findings and facts. The location of the proposed cannabis dispensary is located approximately 700 feet from an existing day care facility that is operated out of a single-family home located in the Oakwood Knolls subdivision. The property owner of 453 and 471 Main Street previously submitted a proposed Planned Unit Development that included extensive landscaping throughout the property and buffering. There is currently no fencing along the adjacent eastern property line nor is there extensive new buffering. There are mature trees in the area that the property owner has no immediate plans to remove. Based on these facts, staff believes that both the temporary and the permanent facilities would have no negative impact on the overall harmony of the single-family homes located in Oakwood Knolls, subject to the additional buffering that the applicant has agreed to do. The applicant has also agreed to include a privacy fence along the eastern side of the property along with additional landscaping.

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Director Garrigan gave a review of the uses of surrounding properties and stated the applicant's proposed building would be the first step toward the long-term improvement of the Route 83 Corridor. Staff makes a favorable recommendation for the proposed variance.

Commissioner McCarty asked for clarification on the time frame for the temporary facility to be in place and when the applicant anticipates they will be moving into the permanent location.

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

Mr. Steve Weber with PTS Consume, petitioner, explained that once they receive the approval for the temporary and permanent facilities, the trailer would be in place approximately 3 weeks after approval and construction on the permanent building would begin right away. Construction will take approximately four to five months to complete. Commissioner McCarty asked Mr. Weber to provide an end date for the Special Use. Mr. Weber stated, assuming they receive approval at that July 12, 2023 Village Board meeting, the end date could be January 12, 2024. Commissioner McCarty asked if there could be a condition that states if the petitioner has not completed construction of the new building by January 12, 2024 that they be required to request an extension of the Special Use. Attorney Vasselli confirmed this condition can be applied.

Commissioner Madigan asked if the storage facilities and trailers, located at 471 Main Street, will be removed. Director Garrigan explained that staff has been working with the property owner about the storage and trailers on the property, but that is more of a code enforcement issue.

Commissioner Turner asked for more information regarding the assembly of the temporary trailer. Mr. Weber stated the trailer will be customized per state guidelines and then brought to the location. When it is dropped off, it will be placed on a slab and utilities will be activated. The IDFPR will then perform an inspection and once completed, the state will issue a license number so they can begin to operate.

Commissioner McCarty asked if the petitioner has run a temporary facility at any other locations. Mr. Weber stated they have not but the process to get the temporary facility up and running is the same for a permanent facility.

Commissioner Madigan asked if the fence would be installed prior to the placement of the temporary facility. Mr. Weber said the fence will be done for the permanent facility.

Ms. Darcy Dussault, Lakewood Drive resident, stated she has owned and operated her licensed day care out of her home for almost 30 years. She is concerned that the 1,000 buffer being reduced will affect the safety and wellbeing of the children, as well as affect the residential area in Oakwood Knolls. There are paths in the woods between the subject properties and the residential area. She is also concerned about the potential impact it may have on her business.

Ms. Judy Close, Lakewood Drive resident, asked for clarification on fencing and landscaping. She is concerned that she will be able to see the facility from her home. She does not want to see the value of her home or other homes in her neighborhood go down.

Ms. Pam Molczan, Lakewood Drive resident, explained that the wooded area behind her home is raised and has broken up concrete and blacktop. She would like to know if that debris will be removed. She is additionally concerned about security and the potential affect on property values.

Commissioner Carstensen suggested adding evergreens to the landscaping plan. She stated she is in favor of these variances because it can be a good source of revenue for the Village.

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Commissioner Madigan asked Director Garrigan if the subject area has always been zoned M-1. Director Garrigan confirmed that it has always been zoned M-1 and the Village Board decided the area would be one of the areas that would be good for a cannabis dispensary.

Commissioner Turner agreed that the 1,000-foot buffer makes it difficult for a cannabis facility to find a location within the Village that is not within 1,000 feet of a daycare facility or school. He also agrees that it would be a good source of revenue for the Village. He would like to see a substantial landscape plan. Director Garrigan advised there is an extensive landscape plan included with the Special Use.

Commissioner McCarty asked if there was a landscape plan for the 30-foot setback at the back of the property. Director Garrigan stated that there could be a stipulation that the landscaping be planned concurrent with the first phase, but typically the landscaping would be done during the last phase.

Commissioner McCarty stated he built the storage facility north of the subject property. He gave a brief explanation of the potential uses of M-1 zoned properties. Attorney Vasselli asked Commissioner McCarty if he has any financial interest in the property at this time. Commissioner McCarty stated he has no financial interest in the subject property nor the property that has the storage facility.

Mr. Bruce Lindstrom, Main Street resident, appreciates the commissioners' ideas regarding the landscaping and fencing. He lives across the street from the subject property and has the Metra yard behind his home. Based on his experiences, he hopes that more is done to protect the residents of Oakwood Knolls before the facilities are put into place.

Ms. Close asked if the oak trees that are currently on the property will be staying.

Mr. Troy Sunday, owner of 453 and 471 Main Street, explained he is willing to put in landscaping and fencing suggested by the board.

Chairwoman Henning acknowledged the Lakewood Drive residents' concerns. When the landscape plans are completed, she would like to give the residents an opportunity to review the plans and be involved. She explained her concerns about changing the buffering from 1,000-feet. Chairwoman Henning asked Mr. Weber if he has received approval from IDOT for the access point to the property. Mr. Weber stated the developer, Mr. Sunday, has submitted the paperwork to and communicated with IDOT. Mr. Sunday added that the paperwork was submitted to IDOT two years ago. He stated both 453 and 471 have Route 83 access, but the 471 access needs to be widened for commercial use. Chairwoman Henning asked Mr. Weber for additional information regarding business operations out of the temporary trailer.

Mr. Jeremy Stanulis, architect, provided additional information about the look and feel of their cannabis facilities.

Ms. Molczan, expressed her concerns and frustrations by allowing a variance.

Attorney Vasselli advised Mr. Weber that the first two Planning and Zoning Board meetings in 2024 would occur on January 3, 2024 and February 7, 2024. He asked Mr. Weber to confirm that he understood the concerns brought forth by the residents present at the meeting and that a variance is currently being discussed and that a special use may be discussed later in the meeting. Mr. Weber acknowledged both. Attorney Vasselli asked Mr. Weber if he agreed to the following conditions:

1. Working with staff to create a landscape plan to include existing trees and new trees or foliage to address some of the residents' concerns.
2. There will be a 6-month transition from the temporary facility to the permanent facility.
3. If the Planning and Zoning Board recommends approval of the variance, without a recommendation to approve the special use, the variance would then be null and void.

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4. If a temporary variance is approved, application must be made within 3 months for all necessary site plans for the permanent facility.
5. Construction should begin within 6 months of the variance approval, evidenced by permits being issued.

Mr. Weber acknowledged and accepted the conditions stated by Attorney Vasselli.

Ms. Molczan asked if the facility would be guarded by security 24-hours.

Mr. Weber stated the facility will not have security guards 24-hours. He gave a brief overview of the security measures that are required by the state.

Commissioner Turner asked how soon the temporary trailer would be removed after the permanent facility has opened. Mr. Weber stated they can have it removed within 30 days.

Commissioner McCarty moved, seconded by Commissioner Madigan, to approve PZB 23-07 granting Consume Cannabis, at 453 and 471 Main Street, a Variance for a 700-foot buffer with all conditions discussed and accepted by the petitioner.

Upon roll call, the vote was:

**YES: 4:** McCarty, Carstensen, Madigan and Turner.

**NO: 1:** Henning.

**ABSENT: 2:** Ryan and Sanfilippo.

**THE MOTION CARRIED.**

### **2. PZB 23-08 – Consideration of a Variance from the required 1,000 buffer between a Day Care and Cannabis Dispensary related to the property commonly known as 417 E. IL Route 173; PIN 02-16-201-002**

Director Garrigan stated this was a public hearing. He provided a brief explanation of the applicant's request for a variance and reviewed the findings and facts. The subject property is not located near any residential but is located within 1,000-feet of a daycare facility that is located across Route 173. Staff does not believe the facility would create any negative impact to the surrounding area. Much of the surrounding area is commercial and retail use. Director Garrigan continued that the applicant currently has an existing Special Use for a cannabis dispensary at 510 Main Street. The applicant has made it inherently clear that they do not wish to proceed with opening a facility at that location. Staff requests that, subject to the recommendation and approval, that a stipulation be added that applicant voluntarily submit a letter agreeing to rescind their existing special use for the facility at 510 Main Street. With that stipulation, staff recommends approval of the proposed variance.

Commissioner McCarty asked if this facility would include a lounge. Mr. Jeffrey Scales, petitioner, stated there will be no lounge at the proposed facility.

Chairwoman Henning noted this facility is surrounded by all businesses and not near residential.

Attorney Vasselli asked Mr. Scales if he agreed that the variance would have no affect if the special use was not approved. Mr. Scales agreed. Attorney Vasselli further asked Mr. Scales if he would agree to 3 months for site plan approval and 6 months for commencement of construction. Mr. Scales agreed.

Mr. Scales explained that the distance between the subject property line and the property line of the daycare facility is 850 feet. He is requesting the variance because he read the ordinance as the buffer being measured from the property line of the daycare facility to the front door of the proposed cannabis facility. In that case, the distance is over 1,000 feet.

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Commissioner McCarty asked for clarification on the timeframe. Mr. Scales stated they would be in the facility within 5 months of approval. Commissioner McCarty suggested placing a moratorium on cannabis facilities after the two facilities have opened. Mr. Scales explained that the reason they first came to Antioch was because there was only one cannabis license available, but if two licenses will be issued, he may withdraw.

Commissioner Madigan moved, seconded by Commissioner Turner, to approve PZB 23-08 granting a Variance from the 1,000-foot between a daycare facility and cannabis dispensary related to the property commonly known as 417 E. IL Route 173.

Upon roll call, the vote was:

**YES: 5:** McCarty, Carstensen, Madigan, Turner and Henning.

**NO: 0.**

**ABSENT: 2:** Ryan and Sanfilippo.

**THE MOTION CARRIED.**

*There was a brief recess at 8:22 pm. The board reconvened at 8:26 pm*

### **3. PZB 23-09 – Consideration of a Text Amendment to the Zoning Ordinance regulating Recreational Cannabis Dispensing Organizations related to buffers, number of special use licenses, and other amendments deemed necessary by the Planning and Zoning Board**

Director Garrigan stated this was a public hearing. He provided a brief background to the request for the text amendment. Staff is not currently recommending changes to the buffer requirement as stated in Village Code 10-19-7, but instead would like the Commission to discuss the possibility of changing the buffer requirement, unless the Commission is comfortable with addressing variances to the buffer on a case-by-case basis. Additionally, Village Code 10-19-13b limits cannabis dispensaries to one. Staff would like input about possibly increasing the number of dispensaries to two.

Commissioner McCarty stated he is comfortable with addressing variances on a case-by-case basis. He stated the two currently proposed dispensaries are located in different areas of the town, so he does not have an issue with increasing the number of licenses to two.

Commissioner Carstensen asked how two dispensaries can be entertained if only one license is currently allowed. She asked for further clarification on the licensing ordinance and the categories listed in the ordinance.

Commissioner Madigan agreed to allowing two licenses. She asked if the ordinance stays at only allowing one license, how will it be decided which of the two current petitioners will be granted that license. Director Garrigan answered it will be up to the Village Board to make the final determination on which applicant will be granted the special use.

Commissioner Turner agreed to addressing variances on a case-by-case basis. He further agreed to allowing the two licenses for the current applicants because they are in different areas of town. He would prefer to not see two dispensaries right across the street from each other.

Chairwoman Henning agreed with keeping the 1,000-foot buffer and reviewing variances.

Attorney Vasselli suggested there be three motions:

1. A motion to split the text amendment into two motions.
2. PZB 23-09a – A motion to get rid of or keep the 1,000-foot buffer.
3. PZB 23-09b – A motion to amend the number of cannabis dispensaries.

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Commissioner McCarty moved, seconded by Commissioner Turner, to split the text amendment into two separate motions:

1. PZB 23-09a – A motion to get rid of the 1,000-foot buffer.
2. PZB 23-09b – A motion to amend the number of cannabis dispensaries.

Upon roll call, the vote was:

**YES: 5:** McCarty, Carstensen, Madigan, Turner and Henning.

**NO: 0.**

**ABSENT: 2:** Ryan and Sanfilippo.

**THE MOTION CARRIED.**

Commissioner Turner moved, seconded by Commissioner McCarty, for PZB 23-09a to maintain the 1,000- foot buffer.

Upon roll call, the vote was:

**YES: 5:** McCarty, Carstensen, Madigan, Turner and Henning.

**NO: 0.**

**ABSENT: 2:** Ryan and Sanfilippo.

**THE MOTION CARRIED.**

Commissioner Madigan moved, seconded by Commissioner Carstensen, for PZB 23-09b to increase the number of allowed dispensaries from one to two.

Upon roll call, the vote was:

**YES: 4:** McCarty, Carstensen, Madigan, and Turner.

**NO: 1:** Henning.

**ABSENT: 2:** Ryan and Sanfilippo.

**THE MOTION CARRIED.**

**4. PZB 23-05 – Consideration of a Special Use 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 (continued from the June 7, 2023 meeting)**

Director Garrigan stated that this is a continuation of a public hearing. He gave a brief review of the findings and facts addressed at the last meeting and stated there have been no changes to those findings and facts. Additionally, staff did a full analysis of parking.

Commissioner Madigan moved, seconded by Commissioner McCarty, to approve the Special Use for the operation of a cannabis dispensary at 417 E. IL Route 173, Suites 106 and 107, with the stipulation that the applicant rescind the previously approved Special Use issued for the 510 Main Street location.

Upon roll call, the vote was:

**YES: 5:** McCarty, Carstensen, Madigan, Turner and Henning

**NO: 0.**

**ABSENT: 2:** Ryan and Sanfilippo.

**THE MOTION CARRIED.**

**5. PZB 23-06 – Consideration of a Special Use for the operation of a cannabis dispensary at the property commonly known as 453 Main Street; PIN 02-05-300-073 (continued from the June 7, 2023 meeting)**

Director Garrigan stated that this is a continuation of a public hearing. He gave a brief review of the findings and facts addressed at the last meeting and stated there have been no changes to those findings and facts. Staff does not believe the permanent facility would not have any negative impact on surrounding properties and staff believes it will help to rejuvenate the Route 83 corridor and bring renewed investment to the area. There is adequate parking. Staff will work with the owner of the property to produce a landscape plan along the eastern portion of the property that is adjacent to the existing single family homes.

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Commissioner Madigan asked to clarify if this Special Use is for the permanent building or temporary building. Director Madigan clarified that this Special Use is for the permanent building that will be located at 453 Main Street for Consume Cannabis.

Commissioner Turner reiterated that there needs to be an adequate landscaping buffer put in place.

Commissioner Madigan moved, seconded by Commissioner McCarty, to approve the Special Use for a cannabis dispensary at 453 Main Street.

Upon roll call, the vote was:

**YES: 4:** McCarty, Carstensen, Madigan, and Turner.

**NO: 1:** Henning.

**ABSENT: 2:** Ryan and Sanfilippo.

**THE MOTION CARRIED.**

### **6. PZB 23-07 – Consideration of a Special Use for the operation of a cannabis dispensary at the property commonly known as 471 Main Street; PIN 02-05-300-075**

Director Garrigan stated this was a public hearing. He explained that this special use is intended for a temporary building. He reviewed the facts and findings. The proposed use is consistent with the light industrial use of the area. Director Garrigan presented the site plan. There will be sufficient parking, handicap access to the building and a new garbage enclosure.

Commissioner McCarty asked if additional fencing could be added to limit traffic going through the back of the property.

Commissioner Carstensen asked if a date stipulation needs to be added.

Attorney Vasselli clarified that the facilities at 453 and 471 will never coexist. The applicant has a maximum of 6 months, or they will need to come back to the board for an extension.

Commissioner Madigan moved, seconded by Commissioner McCarty, to approve the Special Use for a cannabis dispensary at 471 Main Street on a temporary basis with the following stipulations:

1. The Special Use would expire in 6 months, or the petitioner will need to request an extension.
2. The temporary and permanent facilities will not operate at the same time.
3. Include additional fencing as discussed.

Upon roll call, the vote was:

**YES: 5:** McCarty, Carstensen, Madigan, Turner and Henning.

**NO: 0.**

**ABSENT: 2:** Ryan and Sanfilippo.

**THE MOTION CARRIED.**

### **I. ADJOURNMENT**

There being no further discussion, the Planning and Zoning Board regular meeting adjourned at 9:02 pm.

Respectfully submitted,

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Rachel Thiel  
Recording Secretary