

Request For Board Action

REFERRED TO BOARD: August 24, 2022

AGENDA ITEM NO: 8 & 9

ORIGINATING DEPARTMENT: Community Development

SUBJECT: Seeking motions to approve a Variance and Special Use Ordinance for the Teamster Horsemen to allow for the operation of a not-for-profit club/meeting hall at the property commonly known as 894 Anita Street.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The applicant is seeking a Variance and a Special Use to be allowed to operate a not-for-profit club/meeting hall at the property commonly known as 894 Anita Avenue. The applicant has been located and operating at the subject site for approximately a year. Based on continued discussions with Staff, the applicant is required to obtain a Variance and Special Use to be permitted to continue operations at the subject site.

The subject site is in the Form Based Code and the zoning classification is "Business Park". Clubs or Meeting Halls are not identified as a Permitted or Special Use in this zoning district.

A Public Hearing was held on August 3, 2022, before the ZBA and Planning and Zoning Commission and a favorable recommendation for the Variance and Special Used was approved by a vote of 7-0.

Based on the foregoing analysis, Staff would make the following motion:

We move that the Village Board approve the attached Variance Ordinance for the Teamster Horseman to allow them to operate a Not-for-Profit Club/Meeting Hall at the property commonly known as 894 Anita Avenue.

We move that the Village Board approve the attached Special Use Ordinance for the Teamster Horseman to allow them to operate a Not-for-Profit Club/Meeting Hall at the property commonly known as 894 Anita Avenue.

VILLAGE OF ANTIOCH

ORDINANCE NO.

*AN ORDINANCE GRANTING A VARIANCE FOR THE TEAMSTER HORSEMEN TO
OPERATE A NOT-FOR-PROFIT CLUB/MEETING HALL AT THE PROPERTY
COMMONLY KNOWN AS 894 ANITA AVENUE
(22-04V)*

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

August 24, 2022

Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this _____ day of August 2022

SCOTT J. GARTNER

President

BRENT C. BLUTHARDT

Trustee

LORI K. ROMINE

Clerk

PETRINA BURMAN

Trustee

MARY C. DOMINIAK

Trustee

ED MACEK

Trustee

OTTOSEN DINOLFO HASENBALG
& CASTALDO, LTD.

Attorney

§

MARY PEDERSEN

Trustee

SCOTT PIERCE

Trustee

ORDINANCE

***AN ORDINANCE GRANTING A VARIANCE FOR THE TEAMSTER HORSEMEN TO
OPERATE A NOT-FOR-PROFIT CLUB/MEETING HALL AT THE PROPERTY
COMMONLY KNOWN AS 894 ANITA AVENUE
(22-04V)***

WHEREAS, pursuant to Chapter 4 of Title 10 of the Antioch Village Code, a public hearing was commenced by the Combined Planning Commission and Zoning Board on August 3, 2022, following notification as required by State Law and Village Ordinance to consider a Petition for a Variance from Section 10-10-3 to allow for a Not-For-Profit Club/Meeting Hall to operate within the “Business Park” District at the property commonly known as 894 Anita Avenue, Antioch.

WHEREAS, the Corporate Authorities have concluded and found that the Variance, subject to and in conformance with the terms and conditions of this Ordinance, conform to a majority of the required standards as required by ordinance, including a) The variance is in harmony with the general purposes and intent of this zoning ordinance; and b) The plight of the owner is due to unique circumstances and the strict enforcement of the zoning ordinance would result in practical difficulties or impose exceptional hardship due to the special and unusual conditions that are generally found on other properties in the same zoning district; and c) The property cannot yield a reasonable use if permitted only under the conditions allowed by the zoning ordinance; and d) The variance, if granted, will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.

WHEREAS, the Corporate Authorities have concluded and found that the Variance will further benefit the community by enhancing and promoting the general welfare of the Village by allowing this not-for-profit club to operate at the aforesaid premises and raise funds for community programs.

***NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD
OF TRUSTEES OF THE VILLAGE OF ANTIOCH, LAKE COUNTY, ILLINOIS, AS
FOLLOWS:***

SECTION I: The representations, recitations and findings set forth in the foregoing recitals are material to this Ordinance and such recitals are hereby incorporated into and made a part of this Ordinance as though they were fully set forth herein. This Ordinance shall be liberally construed so that the purpose and intent represented by the recitals shall be accomplished to the greatest extent permitted by law.

SECTION II: That the real estate which is the subject of this ordinance (Subject Property) is legally described as follows:

(See attached legal description)

SECTION III: The Variance shall be and is hereby approved and shall be binding upon the Village, Petitioner and Owner, and their respective owners' successors, and assigns when a true execution copy of this Ordinance is tendered to the Village fully executed by the Petitioner and Owner, and when the Mayor has affixed his signature upon the Ordinance.

SECTION IV: The following exhibits shall be attached to and made a part of this Variance Ordinance and, except as expressly modified by this Ordinance, compliance with all standards, requirements, designs or specifications in such exhibits shall be a condition of the grant of this Special Use Ordinance:

A. Village Board Staff Report

SECTION V: Any person violating the terms and conditions of this Ordinance shall be subject to a penalty not exceeding Five Hundred Dollars (\$500.00) with each day that the violation of the Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees. This section shall not apply to the Village of Antioch, its officials, agents or employees.

SECTION VI: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not be included.

SECTION VII: That the Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form as provided by law.

SECTION VIII: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed this 24th day of August 2022.

Ayes: **Nays:** **Absent/Abstain:**

Brent Bluthardt
Petrina Burmen
Mary Dominiak
Ed Macek
Mary Pedersen
Scott Pierce

APPROVED:

By: _____

Scott J. Gartner

Date: _____

ATTEST:

By: _____

Lori K. Romine, Village Clerk

Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on August _____, 2022.

VILLAGE OF ANTIOCH

ORDINANCE NO. 22-08-46

AN ORDINANCE GRANTING A SPECIAL USE FOR THE TEAMSTER HORSEMEN TO PERMIT THEM TO OPERATE A NOT-FOR-PROFIT CLUB/MEETING HALL AT 894 ANITA AVENUE (PZB 22-06)

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

August 24th, 2022

Published in pamphlet form by authority of the Village Board of the Village of Antioch, Lake County, Illinois, this _____ day of August 2022.

SCOTT J. GARTNER

President

BRENT C. BLUTHARDT

Trustee

LORI K. ROMINE

Clerk

PETRINA BURMAN

Trustee

MARY C. DOMINIAK

Trustee

ED MACEK

Trustee

OTTOSEN DINOLFO HASENBALG

MARY PEDERSEN

Trustee

& CASTALDO, LTD.

Attorney \$ \$

SCOTT PIERCE

Trustee

ORDINANCE NO. 22-08-46

AN ORDINANCE GRANTING A SPECIAL USE FOR THE TEAMSTER HORSEMEN TO PERMIT THEM TO OPERATE A NOT-FOR-PROFIT CLUB/MEETING HALL AT 894 ANITA AVENUE (PZB 22-06)

WHEREAS, pursuant to Chapter 15 of Title 10 of the Antioch Village Code, a public hearing was commenced by the Combined Planning Commission and Zoning Board on August 3, 2022, following notification as required by State Law and Village Ordinance to consider a petition for a Special Use for to be allowed to operate a Not-for-Profit Club/Meeting Hall at the property commonly known as 894 Anita Avenue.

WHEREAS, the Combined Planning Commission recommended approval of the applicant's proposed Special Use at a Public Hearing on August 3, 2022, by a vote of 7-0.

WHEREAS, The Special Use provides relief from Section 10-10-3 of the Form Based Code, which does not identify either Clubs or Meeting Halls as a permitted or special use in the "Business Park" district.

WHEREAS, the Corporate Authorities have concluded and found that the Special Use, subject to and in conformance with the terms and conditions of this Ordinance, conform to a majority of the required standards as required by ordinance, including; a) The Special Use will not be injurious to the use and enjoyment of other property in the immediate area for purposes already permitted, nor substantially diminish property values with the neighborhood; and b) The establishment of the Special Use will not impede the normal and orderly development and improvement of the adjacent properties for uses permitted in the subject zoning district;

WHEREAS, the Corporate Authorities have concluded and found that the Special Use will further enhance promoting community outreach and support of not-for-profit fundraising for the Antioch community.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, LAKE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION I: The representations, recitations and findings set forth in the foregoing recitals are material to this Ordinance and such recitals are hereby incorporated into and made a part of this Ordinance as though they were fully set forth herein. This Ordinance shall be liberally construed so that the purpose and intent represented by the recitals shall be accomplished to the greatest extent permitted by law.

SECTION II: That the real estate which is the subject of this ordinance (Subject Property) is legally described as follows:

(See attached legal description)

SECTION III: That, subject to the conditions stated below, the Special Use shall be and is hereby approved and shall be binding upon the Village, Petitioner and Owner, and their respective owners successors, and assigns when a true execution copy of this Ordinance is tendered to the Village fully executed by the Petitioner and Owner, and when the Mayor has affixed his signature upon the Ordinance”

SECTION IV: The following exhibits shall be attached to and made a part of this Special Use Ordinance and, except as expressly modified by this Ordinance, compliance with all standards, requirements, designs or specifications in such exhibits shall be a condition of the grant of this Special Use Ordinance:

A. Village Board Staff Report attached as Exhibit A;

SECTION V: Any person violating the terms and conditions of this Ordinance shall be subject to a penalty not exceeding Five Hundred Dollars (\$500.00) with each and every day that the violation of the Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees. This section shall not apply to the Village of Antioch, its officials, agents or employees.

SECTION VI: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not be included.

SECTION VII: That the Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form as provided by law.

SECTION IX: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed this _____ day of August, 2022.

Ayes: Nays: Absent/Abstain:

Scott A. Pierce
Brent Bluthardt
Petrina Burman
Ed Macek
Mary Dominiak
Mary Pedersen

APPROVED:

By: _____

Scott J. Gartner, Mayor

Date: _____

ATTEST:

By: _____

Lori K. Romine, Village Clerk

Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on August _____ 2022.



REPORT TO: VILLAGE PRESIDENT and BOARD OF TRUSTEES
FROM: MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director
DATE: August 17, 2022
SUBJECT: REPORT TO VILLAGE BOARD

CASE: Teamster Horsemen
20-04

REQUEST: Special Use for PUD
Variance

LOCATION: 894 Anita Avenue, Antioch, Illinois

APPLICANT: Teamster Horsemen

ZONING: Business Park

COMPREHENSIVE PLAN:

Background

The applicant has been operating a not-for-profit club at 894 Main Street and is seeking a Variance and Special Use from Section 10-10-3, Form Based Code that regulates permitted and special uses within the "Business Park" zoning district. The subject site is a light industrial building and was the previous home of "Circuit Systems". Currently, clubs or meeting halls are not a permitted or special use in the "Business Park" district.

Variance

1. *The variance is in harmony with the general purposes and intent of this zoning ordinance; and*

The subject site is in a light industrial park and the building contains several large spaces that are rented out to different users. Currently, the subject site contains a millwork company, cabinet manufacturer, and a storage facility. The applicant's space is being used for meetings and storage. There is nothing to indicate that the applicant's proposed use of their space has any negative impact on any of the adjacent properties.

- 2) *The plight of the owner is due to unique circumstances and thus the strict enforcement of the zoning ordinance would result in practical difficulties or impose exceptional hardships due to the special and unusual conditions that are generally found on other properties in the same zoning*

There is nothing unique about the subject site, other than the applicant has been using the subject space for several months for meetings and fund-raising events. The applicant signed a lease for the space with the false understanding that it was a permitted use in the subject location. There is nothing to indicate that the use of this property has created any issues with any of the adjacent tenants or properties.

- 3) *The property cannot yield a reasonable use if permitted only under the conditions allowed by the zoning ordinance; and*

The subject space that is being used by the applicant was vacant and the applicant has been able to utilize the vacant space for their purposes. While the subject space could allow for other reasonable uses, consistent with the current zoning, the subject property has historically had vacancies and a need for end-users.

The applicant's use of the property appears to have had no impact on the adjacent tenants or created any negative externalities due to the property being used for a meeting hall/club.

- 4) *The variance, if granted, will not alter the essential character of the locality and will not be a substantial detriment to adjacent property.*

There is nothing to indicate that the proposed use will have any negative impact on the adjacent properties. In addition, the applicant is using the subject property for storage and meetings based on their representations. The subject site has 18 parking spaces, which is ample space for an office and a space being used for storage.

Special Use

The applicant is seeking relief from the following the Form Based Code, Section 10-10-3, which does not identify "clubs" or "meetings halls" as a permitted use.

When reviewing any proposed Special Use, it is important to look at the surrounding uses and determine whether what is being proposed is consistent with the character of the area. Therefore, it is necessary to look at the site's context, the nature of the surrounding uses and potential impact that the Special Use will have.

North: Business Park
South: Business Park
East: Business Park
West: Business Park

In accordance with Section 10-2-12, the following standards must be met by the applicant before the Village Board can support the proposed Special Use:

- a) The special use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish property values with the neighborhood; and

As highlighted above, while not a permitted use, there is nothing to indicate that the operation of a club or meeting hall would have a negative impact on the adjacent uses.

- b) The establishment of the special use will not impede the normal and orderly development and improvement of the adjacent properties for uses permitted in the subject zoning district.

The proposed not-for-profit club will not have a negative impact on any of the adjacent uses within this building or adjacent properties. Based on the representations of the applicant, the space is mainly used for storage and small meetings between club members.

The proposed Club/Meeting Hall has 26 members and will be hosting one not-for-profit fund raiser a month with a potential of 80 guest. The applicant has negotiated shared parking for these fund raiser events with the adjacent property owner.

The Anita Business Park continues to go a transition as the park attracts small industrial users. There is nothing to indicate that this proposed use would have any negative impact on the ability of the park to continue to attract users.

Recommendation

Based on the foregoing analysis, Staff would make the following motions:

We move that Village Board approve the attached Variance Ordinance allowing the Teamster Horsemen to operate a not-for-profit club/meeting hall at the property commonly known as 894 Anita Avenue.

We that the Village Board approve the attached Special Use Ordinance allowing the Teamster Horsemen to operate a not-for-profit club/ meeting hall at the property commonly known as 894 Anita Avenue.