Request For Board Action

REFERRED TO BOARD: NOVEMBER 30, 2022 **AGENDA ITEM NO:** 4

ORIGINATING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: CONSIDERATION AND APPROVAL OF A SPECIAL USE FOR A 12 STEP RECOVERY CLUB TO BE LOCATED AT 466 W. ILLINOIS ROUTE 173.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

THE APPLICANT IS SEEKING A SPECIAL USE FOR A 12 STEP RECOVERY CLUB AND THEY ARE PROPOSING TO RELOCATE FROM THEIR EXISTING LOCATION AT 311 W. DEPOT STREET TO A NEW LOCATEION AT 466 W. ILLINOIS ROUTE 173. THE SUBJECT SITE IS ZONED R-3 AND THE SUBJECT SITE WAS PREVIOUSLY USED AS A CHURCH.

THE PZB RECOMMENDED APPROVAL OF THE SPECIAL USE BY A VOTE OF 6-0 AT THE NOVEMBER 2, 2022 MEETING.

FINANCIAL IMPACT: $-0-

DOCUMENTS ATTACHED:

VILLAGE BOARD REPORT

SPECIAL USE ORDINANCE

RECOMMENDED MOTION:

We move that the Village Board approve the herewith attached Special Use Ordiance for the Antioch Recovery Club to operate a 12-step program at the property commonly known as 466 W. ILLINOIS ROUTE 173.

VILLAGE OF ANTIOCH

ORDINANCE NO. 22-11-59

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT TO OPERATE A RECOVERY CENTER AT 466 W. IL ROUTE 173, ANTIOCH, ILLINOIS

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

_____, 2022

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

SCOTT J. GARTNER	**President**	BRENT C. BLUTHARDT	**Trustee**
		PETRINA BURMAN	**Trustee**
LORI K. ROMINE	**Clerk**	MARY C. DOMINIAK	**Trustee**
		ED MACEK	**Trustee**
OTTOSEN DINOLFO HASENBALG		MARY PEDERSEN	**Trustee**
& CASTALDO, LTD.	**Attorney**	SCOTT PIERCE	**Trustee**

ORDINANCE 22-_____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT TO OPERATE A RECOVERY CENTER AT 466 W. IL ROUTE 173, ANTIOCH, ILLINOIS

WHEREAS, the Village of Antioch, Illinois (the "Village") is a non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq*.); and

WHEREAS, the Mayor, who is also the President of the Village (the "President"), and the Board of Trustees of the Village (the "Village Board" and together with the President, the "Corporate Authorities") are committed to furthering the growth of the Village and enabling the Village to control development in the area; and

WHEREAS, the Corporate Authorities are also committed to the furtherance of the public health, safety, morals, and general welfare; and

WHEREAS, an application was filed by William Lamb (the "Application"), requesting a special use permit for a planned unit development (the "Special Use Permit") to operate the Antioch Recovery Club, a 12-step program (the "Proposed Use") at the location commonly known as 466 W. IL Route 173, Antioch, Illinois (the "Property"); and

WHEREAS, the Application includes exhibits and/or plans and specifications for the Proposed Use; and

WHEREAS, the Property is located within the Village's R-3 Townhome/Multi-Family zoning district; and

WHEREAS, Title 10 of the Antioch Village Code (the "Zoning Ordinance") authorizes the combined planning commission and zoning board of appeals (the "Plan Commission") to review all applications for special uses and planned developments and make recommendations to the Village Board concerning the same; and

WHEREAS, after all required notices were given, the Plan Commission held a public hearing (the "Hearing"); and

WHEREAS, at the Hearing testimony was given by the applicant of the Special Use Permit and the public was afforded opportunities to be heard on the proposed Special Use Permit; and

WHEREAS, based on the testimony given at the Hearing, the Plan Commission made certain findings of fact and conclusions with respect to the Special Use Permit and made a recommendation to the Village Board that the Special Use Permit be approved subject to the conditions (the "Conditions") required by the Plan Commission set forth in the report (the "Findings and Recommendation"), attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the Corporate Authorities hereby find that granting the Special Use Permit: (1) will not endanger the public health, safety, morals, comfort, or general welfare of the neighborhood; (2) will advance the orderly and economic development of the surrounding properties and will not alter the essential character of the area; (3) 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 (4) 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; and

WHEREAS, based on the foregoing, the Corporate Authorities further find that: (a) the Special Use Permit fulfills the objectives of the comprehensive plan and the land use policies of the Village and presents an innovative and creative approach to the development of land and living environments; (b) the physical design efficiently utilizes the land, adequately provides for transportation and public facilities, and preserves natural features of the site, and that the Property is suitable for the proposed purposes and land uses; (c) open spaces and recreational facilities are provided; (d) The Special Use Permit is compatible with the adjacent properties and the neighborhood, and along the periphery of the yards or setbacks shall be provided that meet or exceed the regulations of the district in which the Special Use Permit is located;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Antioch, County of Lake, State of Illinois, as follows:

ARTICLE I.
IN GENERAL

Section 1. Incorporation Clause.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true, and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 2. Purpose.

The purpose of this Ordinance is to grant the Special Use Permit in accordance with the Findings and Recommendation and subject to the Conditions, and to authorize the President or his designee to take all necessary acts to effectuate the intent of this Ordinance.

ARTICLE II.
APPROVAL

Section 3. Approval.

The Findings and Recommendation are hereby adopted. The Village Board concurs with the Findings and Recommendation and, in accordance with the findings and conclusions contained therein, hereby approves the Special Use Permit with the Conditions stated therein.

Section 4. Authorization.

The President or his designee is authorized to enter into, execute, and approve such documentation as is required to carry out the intent of this Ordinance. The Village Clerk is hereby authorized and directed to attest to, countersign, and affix the Seal of the Village to any documentation as may be necessary to carry out and effectuate the purpose of this Ordinance. The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by this Ordinance and shall take all action necessary in conformity therewith.

Section 5. Acts of Village Officials.

That all past, present, and future acts and doings of the officials of the Village that are in conformity with the purpose and intent of this Ordinance are hereby, in all respects, ratified, approved, authorized, and confirmed.

ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE

Section 6. Headings.

The headings of the articles, sections, paragraphs, and subparagraphs of this Ordinance are inserted solely for convenience of reference and form no substantive part of this Ordinance; nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

Section 6. Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, subparagraph, section, or part of this Ordinance be determined to be in conflict with any law, statute, or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, subparagraph, section, or part shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid, and in full force and effect. It is hereby declared to be the intent of the Corporate Authorities that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, subparagraph, section, or part thereof been included.

Section 7. Superseder.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 8. Publication.

A full, true and complete copy of this Ordinance shall be published in book or pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

Section 9. Effective Date.

This Ordinance shall be in full force and effect after passage, approval, and publication in pamphlet form or as otherwise provided by applicable law.

PASSED this _____ day of _____, 2022.

AYES:

ABSENT:

ABSTENTION:

APPROVED by me this _____day of _____, 2022.

_____
SCOTT J. GARTNER
Mayor, Village of Antioch, Illinois

_____
LORI K. ROMINE
Clerk, Village of Antioch, Illinois

EXHIBIT A
(FINDINGS AND RECOMMENDATION)

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

CLERK'S CERTIFICATE

I, Lori K. Romine, certify that I am the duly appointed and acting Municipal Clerk of the Village of Antioch, Lake County, Illinois, and I do hereby certify that I am currently the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance titled:

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT TO OPERATE A RECOVERY CENTER AT 466 W. IL ROUTE 173, ANTIOCH, ILLINOIS

I certify that on _____, 2022, the Board of Trustees of Antioch (or the Corporate Authorities, if required by law) passed and approved Ordinance No. 22-_____.

I do further certify, in my official capacity, that a quorum of said Board of Trustees was present at the meeting and that the meeting was held in compliance with all requirements of the Open Meetings Act (5 ILCS 120/1, *et seq*.).

The pamphlet form of Ordinance No. 22-_____, including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on _____, 2022 and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk and online.

DATED at Antioch, Illinois, this _____day of _____, 2022.

_____
Lori K. Romine, Village Clerk
Village of Antioch

(Seal)

REPORT TO: **VILLAGE PRESIDENT and BOARD OF TRUSTEES**
FROM: **MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director**
DATE: **November 16, 2022**
SUBJECT: **REPORT TO PZB**

CASE: Recovery Club
22-09

REQUEST: Special Use for PUD (Public Hearing)

LOCATION: 466 W. IL Route 173

APPLICANT: William Lamb

ZONING: R-3

COMPREHENSIVE PLAN: Institutional

Background

The applicant is seeking to relocate the "Antioch Recovery Club", a 12-step program to a vacant church located at 466 W. Il Route 173. The subject site is 2.3 acres and zoned R-3. Originally built as a church, the building has been vacant for many years. Currently, the Antioch Recovery Club operates at 311 W. Depot Street.

An addiction center or 12-step program is not identified as a Permitted or Special Use in the R-3 District. Churches are a Special Use in the R-3 district, and based on the existing code, the applicant is seeking a Special Use to allow them to operate this program within the existing church building.

The club operates a "12-step" program and is proposing to operate seven days a week. Typically, the club will have 18 meetings a week and the latest meeting would be held at 8:00 p.m. and would last one hour. The largest meetings generally have between 20-25 people and there is a meeting on Saturday and Sunday morning at 8:00 a.m. In addition, there would be a Sunday evening meeting at 6:30 p.m. The applicant is not proposing any exterior changes to the building or alteration to the existing parking lot of the subject site. No additions are being proposed of the existing building and the existing chapel will be used for the meetings.

A question was raised about whether the subject space would be used for overnight stays and the applicant will not allow any individuals to reside within the building. There are no sleeping facilities in the building and the applicant has no intention of providing housing for members of the club. The space would be exclusively used for meetings.

Special 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: Cemetery
South: Lake Antioch
East: Residential
West: Cemetery

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

The applicant is seeking to use the existing church building for a recovery club. The site is approximately 2.3 acres, and the building contains approximately 3,600 square feet, including a chapel, offices, and a meeting room and kitchen in the basement. Based on Village ordinance, using the parking standards for religious assembly, a total of 1 space for every 4 seats.

Based on Staff's analysis, each pew within the chapel could seat five people and with 16 pews, the capacity of the chapel appears to be 80 people. Based on the parking requirements for religious assembly, there would be a requirement for 20 parking spaces and 1 handicapped space. The subject site incorporates a total of 25 parking spaces on the subject site

There is nothing to indicate that the proposed use of this site for a 12-step program would have any negative impact on any of the adjacent properties. The proposed use would be less intense than the previous existing church on the subject site and the site is bordered by a cemetery and a lake on three sides.

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.

Approval of this proposed Special Use would have no impact on the existing character of the surrounding neighborhood. The closest homes are on the east side of Route 173 and the intensity of traffic into and out of the site will be less than the previous use of the subject site.

The subject site has extensive land and buffering around it from any adjacent residential areas and incorporates a full access point on Harden Street. West of Route 173, Harden Street has very few homes and there should be no negative traffic impact on the local neighborhood. The predominant traffic pattern will come from Route 173.

As highlighted above, the proposed use will have a minimal impact on the residential neighborhood along Harden Street, Spafford, and Victoria Street. The same club has been operating at 311 W. Depot Street for over a decade and Staff is not aware of any issues related to our law enforcement department.

Recommendation

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

We move that the Village Board approve a Special Use Ordinance for a PUD that would allow the Antioch Recovery Club to operate a 12-step program at the property commonly known as 466 W. Illinois Route 173, subject to the following stipulations.

1. *Compliance with the requirements of the Village Engineer.*
2. *Compliance with the requirements of the Antioch Fire protection District.*
3. *That the applicant works with Staff a lighting plan for the subject property.*
4. *That the premises shall not be used for any residential use or overnight stays.*

CONTEXT MAP

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