

# APPROVED MINUTES

## VILLAGE OF ANTIOCH PLANNING & ZONING BOARD – REGULAR MEETING Village of Antioch, Lake County, Illinois Municipal Building: 874 Main Street, Antioch, IL 60002 December 4, 2024

### I. CALL TO ORDER

Chairman McCarty called the December 4, 2024 regular meeting of the Planning and Zoning Board to order at 7:00 pm at the Antioch Municipal Building located at 874 Main Street, Antioch, IL and via Zoom.

### II. PLEDGE OF ALLEGIANCE

Chairman McCarty and the Planning & Zoning Board led the Pledge of Allegiance.

### III. ROLL CALL

Roll call indicated the following Commissioners were present: Sanfilippo, Carstensen, Misch, Madigan and Martinez. Also present were Chairman McCarty, Director Garrigan, Attorney Vasselli and Clerk Romine. Absent: Commissioner Turner.

### Announcements and correspondence

Director Garrigan informed the Planning Commission that he will be retiring at the end of this year after 25 years of public service. He thanked the commissioners, present and past, and the community. He takes great pride in his service and thanked those present. He announced that staff is in the process of interviewing for his replacement.

Chairman McCarty commended Director Garrigan on his hard work, dedication and service to the community.

### Approval of the November 6, 2024 Planning and Zoning Board Meeting Minutes as presented

Commissioner Misch moved, seconded by Commissioner Martinez to approve the November 6, 2024 Planning and Zoning Board meeting minutes as presented. Upon roll call, the vote was:

**YES: 6:** Sanfilippo, Carstensen, Misch, Madigan, Martinez and McCarty.

**NO: 0.**

**ABSENT: 1:** Turner.

**THE MOTION CARRIED.**

### Public Comment

Chairman McCarty said there will be an opportunity for public comment during each of the agenda items.

### New Business

#### **1. PZB 24-14 – Consideration of a request for a Special use for a Drive-Thru for two commercial outlots, 2 and 3, located at the Northeast corner of Route 173 and Lincoln Avenue; PIN 02-16-106-001 –**

Director Garrigan said this matter is a proposed development for the Antioch Marketplace site, which was approved for a first phase for the Kia Development. The developer is coming in for a special use, preliminary and final plat approval. The special use is for two proposed drive thrus which require a public hearing. He presented the proposed 3 outlots, including a Valvoline oil change facility, a proposed retail center and a Chipotle. Director Garrigan discussed the adjacent properties, which are commercial in nature. He discussed the findings of fact which are that there are no negative impacts to adjacent properties to the West, East and South. Director Garrigan commented on the special use compliance with the corridor plan, stating that the proposed project is clearly consistent with uses along Route 173, and has been identified as part of the comp plan as the main commercial corridor to Antioch. The proposed development has met the findings of fact for a special use, therefore, staff is making a favorable recommendation for a special use.

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Director Garrigan discussed the site plan review approval process for the site. He provided context for the property location. He discussed the main access point with future dedicated turn lanes on Route 173. He discussed future IDOT improvements which will make Lincoln Avenue full access, and be signalized once the warrants are justified. There will also be a full access point at Brown Road. Brown LLC has submitted plans to IDOT to improve Route 173. Director Garrigan reviewed the proposed parking on the site, and said the applicant does comply with the Village's required parking requirements. He discussed the required stacking spaces for the drive thrus, which also comply with Village requirements, and include a bypass lane.

Director Garrigan reviewed the architecture for the proposed building. Since the building is in the Route 173 corridor, staff requested specific materials to comply with the Route 173 design guidelines which would tie all three outlots together into a unified development. Director Garrigan also reviewed the landscape plan for the proposed property as well as the photometric lighting plan for the proposed site, which has met the Village requirements. He concluded that the trash enclosure plan also complies with the Village's requirements.

Preliminary engineering shows a regional stormwater retention pond to the northern perimeter for the entire site, and final engineering will be reviewed by the Village. Brown LLC is required to subdivide this parcel. This is the second re-subdivision of the marketplace. The preliminary and final plat will be approved and recorded.

Director Garrigan said staff recommends a favorable recommendation for a special use for the proposed drive through lanes, site plan review, final and preliminary plat subject to stipulations.

Clerk Romine administered the oath of office to those wishing to testify.

Mr. Adam Bell, Core Acquisitions, clarified that Chipotle drive thru is a chipot-lane with a mobile online order and pickup; not a full menu board ordering point. The multi-tenant proposes a full menu board, but they have allowed for more stacking there. Letters of intent have been signed with Chipotle, Tropical Smoothie and Valvoline, but no actual leases have been executed at this time.

Commissioner Sanfilippo asked to verify the handicapped space was ADA compliant. Mr. Bell responded that it's in the SE corner of the property with the loading zone and striped crosswalk.

Commissioners further discussed the lighting at the site, as well as building colors for the tenants.

Director Garrigan reviewed the elevations, and said utilities are required to be fully enclosed or painted to blend with the building.

Commissioner Misch asked if guidelines were in place for native plantings with the landscape plan. Director Garrigan said it's not required, but they may be encouraged by the Route 173 corridor plan. Commissioner Misch asked how many cars could fit in the drive thru. Director Garrigan said they all had 6 or 7 which comply with the ordinance. Commissioner Misch expressed concern with the intersection at Lincoln without a traffic light.

Commissioner Madigan asked if there was a width requirement for garbage truck access near the trash enclosure. She agrees with commissioner Misch on the access point at Lincoln.

Commissioner Martinez appreciates the trees and the islands and asked if the Valvoline user is the same franchisee as the one in town. Mr. Bell said the proposed franchisee is in the greater Chicagoland area. Mr. Bell discussed the timing, and said they are currently negotiating leases with 3 tenants. Goal is to start construction in late spring/early summer. Commissioner Martinez said they have gone above and beyond the minimum requirements.

Commissioner Sanfilippo asked for the time frame on signaling and warrants and the areas serviced by the proposed detention pond.

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Commissioner Madigan moved, seconded by Commissioner Sanfilippo to approve the special use for a drive-thru for two commercial outlots, 2 and 3, located at the Northeast Corner of Route 173 and Lincoln Avenue. Upon roll call, the vote was:

**YES: 6:** Sanfilippo, Carstensen, Misch, Madigan, Martinez and McCarty.

**NO: 0.**

**ABSENT: 1:** Turner.

**THE MOTION CARRIED.**

Commissioner Madigan moved, seconded by Commissioner Sanfilippo to approve the site plan with a recommendation to use native plantings. Upon roll call, the vote was:

**YES: 6:** Sanfilippo, Carstensen, Misch, Madigan, Martinez and McCarty.

**NO: 0.**

**ABSENT: 1:** Turner.

**THE MOTION CARRIED.**

Commissioner Sanfilippo moved, seconded by Commissioner Misch, to approve the preliminary and final plat for PZB 24-14. Upon roll call, the vote was:

**YES: 6:** Sanfilippo, Carstensen, Misch, Madigan, Martinez and McCarty.

**NO: 0.**

**ABSENT: 1:** Turner.

**THE MOTION CARRIED.**

## Old Business

**1. PZB 24-10 – Consideration of a Site Plan Review, Preliminary and Final Plat approval for Carmax located at 2101 E Route 173** – Director Garrigan discussed previous resident concerns regarding site line, and asked the applicant to provide additional information related to best management practices (BMPs) and bioswales.

The development team for the applicant reviewed changes to the BMPs, photometrics and lighting for the project.

Mr. Bruce Goldsmith, attorney for the petitioner, provided context for the project, and said they have met all of the requirements of the Village previously. He related that lighting and lumens at the property are zero. The only lighting which is a subject of concern is the storage area where the cars are parked.

Mr. Joe Mayer with Kimley Horn, addressed the bioswale design for the site, which is in total compliance with the stormwater ordinance. He said the pond was designed to achieve all BMPs together. The changes to the bioswale include the type of BMPs in order to provide more diversity at the request of Planning & Zoning Board.

Mr. Kelton McCoy, consultant for the petitioner, discussed the photometric plan for the site, which was modified to reduce the footcandle. Chairman McCarty asked if there were wall packs on the East and West sides of the building, and asked that the West side wall packs be eliminated in order to avoid glare toward the residents. Mr. McCoy said he understood the request.

Mr. Mayer discussed the landscaping and prioritized buffering at the building, which he said meets the ordinance in terms of density, species and type.

Mr. McCoy presented perspectives toward the neighboring properties of the site in question.

Commissioner Sanfilippo asked how the berm affects water runoff and grading to the area. Mr. Mayer responded that it is not an elevated berm between pond and parking lot in order to provide more of a buffer.

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Commissioner Martinez reviewed the proposed project in relation to the adjacent properties which will include privacy fencing and landscape buffers. Mr. Goldsmith said there is natural buffering from the creek and landscaping as well.

Attorney Vasselli confirmed with Attorney Goldsmith that he was sworn in to this hearing, and confirmed that he was not asking for a variance or text amendment or special use permit, but just a site plan approval. The Planning and Zoning Board already looked at zoning relative to the site, and only here to review the site plan approval and preliminary and final plat, which are administrative functions. The staff report confirmed they are in full compliance with the PUD, which was approved by the board in 2007.

Mr. Mark Shaw, Attorney representing neighboring property owners, submitted a written statement to the Board, and summarized his statements representing objectors Esdale, Beck and Santos. He stated that Mr. Esdale appeared at the Planning & Zoning Board meeting on November 6, and he asked that Mr. Esdale's statements are entered into the record again. He discussed that there was a FOIA request submitted for any and all documentation pertaining to the proposal, and the requestor was provided a Dropbox file today. He requested additional time to review those files. He added that his clients did not receive any notice as required regarding these meetings. Mr. Shaw discussed that it is a wholesale development, so does not include sales tax. His client asks whether the board would like to live next to this development as proposed and pause to provide an opportunity to review.

Attorney Vasselli discussed an email distributed from the FOIA officer to [kenoshacountyeye@gmail.com](mailto:kenoshacountyeye@gmail.com) containing attachments and asked Attorney Shaw if he was familiar with the email. He is not aware of the email. Attorney Vasselli commented that all meetings are posted in accordance with the Open Meetings Act.

Mr. Charles Esdale, Pedersen Drive resident, said commissioners didn't previously visit the site.

Attorney Vasselli commented on the volunteerism of the commissioners. He added that the Village does have a website, and residents are encouraged to call the Village if they have any questions. Mr. Esdale asked the Board to consider this in their backyard, and asked for an earth berm, barrier, and well protection.

The attorneys present discussed the function of a TIF District.

Chairman McCarty said the BMPs were put in place to address runoff and things that could affect wetlands and water for the area. He added that a 500k square foot building could be built, and would be more of an eyesore than this proposed use.

Mr. William Bonaguidi, neighboring property owner, expressed concern with the potential noise from trucks and disputed the perspective shown previously in the meeting.

Mr. Steve Hudak, real estate development manager for Carmax, addressed previous concerns. He provided a brief history of the project. He said they are trying to get feedback and be as sensitive as possible, and said the trucks are the noisiest part of the operation, which have been moved as far east as possible. This is permitted by right under the code. He added that the cars are not junk.

Mr. Brian Fillatree, neighboring property owner, asked to see the perspective without the foliage. He said the reflective light from snow and ice will place a glow on the properties. This is where people live and will be impacted by lights, mostly in the winter months.

Mr. Sanford discussed the cars leaving oil and expressed concern with a corporate entity in his backyard.

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Ms. Olivia Santos, Pedersen drive resident, expressed concern with light and noise pollution and asked for an explanation of the zero foot lumens. She asked how big the bioswale will be on the west side of the project, and opined that the google perspective is misleading.

Mr. Goldsmith said current vegetation was depicted in the perspective. He added that this could be a large building with loading docks, and they are lowering the impact to the property by placing this on the site.

Mr. McCoy discussed the photometrics and footcandles, and said the lighting is zero footcandle. Mr. Hudak provided an explanation of the lighting on the site. Chairman McCarty discussed the lighting ordinance for the village. He said yes, there will be light, but it is toned down and respectful.

Commissioner Martinez asked if there was an opportunity to increase the height of the privacy fence. Director Garrigan said most commercial fences can be 8 feet, but he is not sure if that could address the site line issues. Mr. Goldsmith said it's blocked by landscaping, but they would be willing to go to 8 feet on the west side as an accommodation.

Chairman McCarty wants staff to work with the applicant in any regard. He would also like to eliminate wall packs on the West side of building.

Commissioner Sanfilippo asked to confirm that there will be 3k cars on the site. Mr. Haduk discussed the function of the auction. Total storage volume could be 3k, and 800-1000 cars/week is what may be auctioned. The reconditioning center gets cars in, and there is additional storage space on site for an approximate total of 2,700 cars.

Mr. Sandford asked if Carmax is providing the car haulers, or if it is independent contractors. Mr. Haduk said corporate controls the operations, and many of the semis are Carmax owned and driven. They have to be licensed and pre-approved by Carmax. Mr. Sandford asked the hours of trucking operations. Mr. Haduk said the traffic volume, and traffic study was submitted, and shows no degradation of level of service. Delivery is expected to be 24/7. Kimley Horn said the traffic study was extremely conservative in its approach.

Mr. Esdale commented on the volume of semis that will be servicing the site.

Attorney Vasselli explained the process, stating that this is an administrative hearing. The site plan gets recommended by this body to the Village Board for approval or denial or approval with modifications.

Director Garrigan said there has been requests from Carmax that this matter be discussed next week at the Committee of the Whole meeting. Public comment is available at all meetings.

Commissioner Madigan asked if there was a reason to push the building back on the site. Director Garrigan said it was staff's recommendation to allow for future development.

Commissioner Sanfilippo moved, seconded by Commissioner Misch, to approve the site plan review subject to staff stipulations for PZB 24-10, and an 8-foot fence on the west site. Upon roll call, the vote was:

**YES: 6:** Sanfilippo, Carstensen, Misch, Madigan, Martinez and McCarty.

**NO: 0.**

**ABSENT: 1:** Turner.

**THE MOTION CARRIED.**

Commissioner Sanfilippo moved, seconded by Commissioner Misch, to approve the Preliminary Plat with a stipulation set for by the Village for PZB 24-10. Upon roll call, the vote was:

**YES: 6:** Sanfilippo, Carstensen, Misch, Madigan, Martinez and McCarty.

**NO: 0.**

**ABSENT: 1:** Turner.

**THE MOTION CARRIED.**

## APPROVED MINUTES

Commissioner Misch moved, seconded by Commissioner Carstensen, to approve the final plat according to stipulations outlined by staff for PZB 24-10. Upon roll call, the vote was:

**YES: 6:** Sanfilippo, Carstensen, Misch, Madigan, Martinez and McCarty.

**NO: 0.**

**ABSENT: 1:** Turner.

**THE MOTION CARRIED.**

### **VI. ADJOURNMENT**

There being no further discussion, the regular meeting of the Planning and Zoning Board adjourned at 9:44 pm.

Respectfully submitted,

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Lori K. Romine, RMC/CMC  
Village Clerk