

**VILLAGE OF ANTIOCH**

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**11-12-24**

***AN ORDINANCE APPROVING A PRELIMINARY PLAT OF SUBDIVISION ON THE SOUTH  
SIDE OF ILLINOIS ROUTE 173, IMMEDIATELY WEST OF DEEP LAKE ROAD  
(FILE NO. PZB 11-06)***

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**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES**

**OF THE**

**VILLAGE OF ANTIOCH, ILLINOIS**

**ON**

**December 19, 2011**

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**Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 20<sup>th</sup> day of December, 2011**

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**Trustee**

**ORDINANCE NO. 11-12-24**

**AN ORDINANCE APPROVING A PRELIMINARY PLAT OF SUBDIVISION ON  
THE SOUTH SIDE OF ILLINOIS ROUTE 173,  
IMMEDIATELY WEST OF DEEP LAKE ROAD  
(FILE NO. PZB 11-06)**

**WHEREAS,** John Lavelle is an owner of certain property located within the Village of Antioch, situated upon the southwest corner of Illinois Route 173 and Deep Lake Road, which property is legally described as set forth on Exhibit A hereto, and which property is hereafter described as the "Subject Property", and

**WHEREAS,** John Lavelle ("Developer"), has petitioned the Village for approval of a preliminary plat of subdivision of the Subject Property with the intention of using it for development of a day care facility and eventual retail purposes, and

**WHEREAS,** the Combined Planning Commission and Zoning Board ("PZB") conducted a public hearing, following notification as required by law, on August 11, 2011, and

**WHEREAS,** following testimony from the petitioner and the public, the PZB concluded with a positive recommendation, with conditions to be addressed in the technical engineering documents, and

**WHEREAS,** the engineering conditions primarily relate to stormwater detention, wetlands preservation and other environmental issues that have previously been reviewed and ultimately approved in principle by the United States Army Corps of Engineers ("USACOE"), the Illinois Department of Natural Resources ("IDNR") and affiliated state agencies, which matters have also been reviewed and commented on by Village staff in their dual roles of agents of the Village and certified agents of the Lake County Stormwater Management Commission ("SMC"), and

**WHEREAS,** among the requests set forth in the Developer's petition is a request to waive the requirement that he extend water and sewer lines to the far southern boundary of his property, premised on his claim that the property to the south is unbuildable ADID wetlands which would result in expensive dead-end line extensions that serve no useful purpose but could generate maintenance issues at some future time, and

**WHEREAS,** the Developer has further requested that the installation of the complete sidewalk required along the perimeter of the entire property be deferred until such time as the northern commercial portion of the property is developed, and

**WHEREAS,** the Village Board has received the recommendations of the PZB and the further recommendations of Village Staff on the resolution of the technical

engineering issues, and has duly deliberated upon the issues and it thereupon makes the following factual findings:

1. There is a substantial area of ADID wetlands located immediately to the south of the Subject Property;
2. There is no practical possibility that the property to the south of the Subject Property will be developed at any future time;
3. Requiring the extension of sewer and water to the southern boundary of the Subject Property would be a substantial expense for the Developer that would serve no practical purpose, but which would create a substantial probability of maintenance issues at some future time;
4. The requested waiver of extending sewer and water to the far southern boundary of the property is appropriate under the unique circumstances presented;
5. Properties located east of the development are not within the Village's Facilities Planning Area and are not served by Village Sewer.
6. The relatively large size of the site, coupled with its comparatively narrow east-west dimensions and the fact that no specific use is immediately contemplated for the northern half of the property justifies the development of the property in two phases, with sidewalks to be installed in each phase at the time each phase is built-out.

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

**SECTION ONE.** The Mayor and Board of Trustees of the Village of Antioch hereby find the facts as stated in the preamble hereof are true and correct and said findings are made a part of this Ordinance.

**SECTION TWO.** The preliminary plat of subdivision prepared by Manhard Consulting, bearing final revision date of August 9, 2011 be and is approved, subject to the following specific terms and conditions:

- A. The preliminary plat so approved consists of two plate pages, together with the following attachments:
  - i. Wetland buffer exhibit prepared by Manhard Consulting;
  - ii. Phasing exhibit prepared by Manhard Consulting;
  - iii. Planning Staff Reviews
  - iv. Developer's Response to Village Staff Review
  - v. Preliminary Site Layout prepared by Manhard Consulting
  - vi. Draft US Army Corp of Engineers Permit
  - vii. Recommendations from the Planning and Zoning Board

**SECTION THREE.** Also included as part of the approved preliminary plat are the following conditions:

- A. No final plat of subdivision shall be accepted for consideration by the PZB or Village Board until final engineering and security instruments have been approved pursuant to Title 11 Chapter 2 of the Village Code all final approvals are obtained from the USACOE, IDNR and SMC and duly filed with the Village, and any final plat shall comply with all conditions described in such approvals from those agencies and preliminary ordinance
- B. Prior to the submission of the final plat of subdivision, the developer shall petition the Village Board to adopt a provision establishing a dormant Special Service Area, against the subdivision lots, providing for the maintenance, operation, and restoration of the common open areas, detention and all stormwater management facilities and appurtenances .
- C. Prior to the issuance of any site development or building permit, the applicant shall pay all subdivision, site, utility, and recapture fees associated with the development parcel, provide for sufficient escrow accounts.
- D. Prior to the issuance of any site development or building permit, a Village approved final plat of subdivision must be recorded with the Lake County Recorder.
- E. Also prior to the issuance of any site development or building permit, a letter from each of the dry utility companies which indicate that all necessary easements are in place, and that utility mains and capacity are available.
- F. All site lighting must be oriented 90 degrees downward toward the ground with a shielded flat lens fixture. Furthermore, if any skylights are to be installed in the proposed buildings, there must be a written commitment from the building owner and occupant that the interior lights in the area of the skylights shall be dimmed during the evening and early morning hours.
- G. The developer shall submit with his proposed final plat and final engineering, a phased grading plan which shall indicate greater retention of water on site during construction. The detention basins shall be constructed first and then the site shall be graded so that the runoff will be retained in the basin for small rain events and will detain water for longer periods during larger rain events.

**SECTION FOUR.** Penalty. Any person violating any of the provisions of this Ordinance shall be fined as provided in the general penalty in Section 1-3-1 of the Village Code for each offense and a violation shall be deemed to exist for each day during which violations of this Ordinance continue.

**SECTION FIVE.** This Ordinance shall be in full force and effect from and after the passage and approval and publication in pamphlet form, as provided by law.

AYES: 5: Pierce, Sakas, Crosby, Dominiak and Jozwiak.

NAYS: 0.

ABSENT: 1: Poulos.

PASSED and APPROVED this 19 day of December, 2011.

  
LAWRENCE M. HANSON, Mayor

ATTEST:

  
CANDI L. ROWE, Village Clerk



STATE OF ILLINOIS )  
                                  )     SS  
COUNTY OF LAKE    )

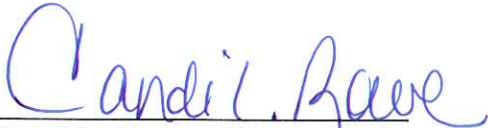
**CERTIFICATE**

I, Candi L. Rowe, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on December 19, 2011, the Corporate Authorities of such municipality passed and approved Ordinance No. 11-12-24, entitled "*AN ORDINANCE APPROVING A PRELIMINARY PLAT OF SUBDIVISION ON THE SOUTH SIDE OF ILLINOIS ROUTE 173, IMMEDIATELY WEST OF DEEP LAKE ROAD (FILE NO. PZB 11-06)*" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 11-12-24, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on December 20, 2011, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 20<sup>th</sup> day of December, 2011.

  
Candi L. Rowe, Village Clerk

