

VILLAGE OF ANTIOCH

12-02-01

***AN ORDINANCE APPROVING A PRELIMINARY PLAT OF SUBDIVISION
ON THE NORTH SIDE OF ILLINOIS ROUTE 173, IMMEDIATELY EAST OF ILLINOIS
ROUTE 83(FILE NO. PZB 11-07)***

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

February 6, 2012

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 23rd day of February, 2012**

LAWRENCE M. HANSON	President	DENNIS B. CROSBY	Trustee
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ORDINANCE NO. 12-02-01

AN ORDINANCE APPROVING A PRELIMINARY PLAT OF SUBDIVISION ON THE NORTH SIDE OF ILLINOIS ROUTE 173, IMMEDIATELY EAST OF ILLINOIS ROUTE 83(FILE NO. PZB 11-07)

WHEREAS, NRG Antioch 173, LLC, is an owner of certain property located within the Village of Antioch, situated upon the northeast corner of Illinois Route 173 and Illinois Route 83 (also known as Main Street), which property is legally described as set forth on Exhibit A hereto, and which property is hereafter described as the "Subject Property", and

WHEREAS, NRG Antioch 173, LLC ("Petitioner"), 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 Walgreen's retail drug store, and

WHEREAS, the said Petition included requests for a variance from certain aspects of the applicable form based code, for a variance from a sideyard requirement and for a special use permit for an electronic message graphic, and

WHEREAS, the Combined Planning Commission and Zoning Board ("PZB") conducted a public hearing, following notification as required by law, on December 8, 2011, and

WHEREAS, following testimony from the petitioner, Staff and the public, the PZB concluded with a positive recommendation, with conditions to be addressed in the final platting process, and

WHEREAS, the Village Board has received the recommendations of the PZB, and has duly deliberated upon the issues and it thereupon makes the following factual findings:

1. The existing structures on the subject property are old, unattractive and do not constitute the highest and best use of the property;
2. The existing structures on the subject property are served by an excessive number of driveway aprons and curb cuts;
3. The adjoining property to the north is in a residential zoning district, however it is actually used as a large community high school that has been present on that site for many decades and there is no residential use on that property at the present, nor will there be for the foreseeable future;

4. The proposed electronic message graphic is intended to replace one that currently exists at the Walgreen's facility on the west side of the subject intersection, and its proposed location is in conformity with the sight lines, distances and other parameters of the Village's Sign Code;
5. The Petitioner started the process of acquiring the parcels that make up the Subject Property and developing its plans prior to the Village adopting the Form Based Code, and as such, was hampered in its preparation of those plans in the face of uncertainty as to which code would ultimately apply to the Subject Property;
6. The Subject Property is a gateway property, standing as the primary entrance from the east and south to the downtown historic district and the careful development of a parcel of this importance has been taken into consideration by the Petitioner and by the corporate authorities as well as by the PZB;
7. The proposed plans for the site development and the physical structure of the store constitute aesthetically pleasing improvements that will beautify this gateway property and which will meet the spirit and intent of appropriate transitional properties leading into the downtown area where the form based code is utilized.

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 Hirsch Associates, bearing date of December 8, 2011 be and is approved and consists of one plate page, together with three pages of initially proposed architectural details, and with an additional final revision of the proposed architectural details and façade modifications dated January 20, 2012. Exhibits to the Final Plat include the following documents:

- A. Petition and Letters from the Developer
- B. Letter of Recommendation from the Planning and Zoning Board
- C. Staff report
- D. Letter from School District 117
- E. Developers Response to School District 117
- F. Architectural and Site Plan Exhibits
- G. Revised Site plan and offsite Improvements.

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

- A. The variance from Section 10-13-B4 is hereby granted, provided that the Petitioner shall develop final plans in conjunction with the Antioch Community High School District to provide for safe and efficient traffic and pedestrian usage of what would have been the required bufferyard area.
- B. The special use for the electronic message graphic is approved in principle, provided that the Petitioner shall be required to permit the use of one “wing” of the sign for Village-sponsored events in perpetuity as it agreed to in the public hearings, and as provided for in the Resolution adopted at the same time as this Ordinance.
- C. The variance from the Form Based Code (Article 10-10) is hereby granted, on condition that the proposed structure be built in substantial conformity with the revised rendering dated January 20, 2011.
- 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.

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, Poulos, Crosby, and Jozwiak.

NAYS: 0.

ABSENT: 1: Dominiak.

PASSED and APPROVED this 6th day of February, 2012.


Lawrence M. Hanson, Mayor

ATTEST:


Candi L. Rowe, Village Clerk



STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

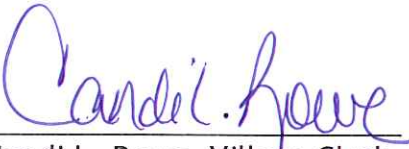
CERTIFICATE

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 February 6, 2012, the Corporate Authorities of such municipality passed and approved Ordinance No. 12-02-01, entitled "***AN ORDINANCE APPROVING A PRELIMINARY PLAT OF SUBDIVISION ON THE NORTH SIDE OF ILLINOIS ROUTE 173, IMMEDIATELY EAST OF ILLINOIS ROUTE 83 (FILE NO. PZB 11-07)***" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 12-02-01, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on February 23, 2012, 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 23rd day of February, 2012.


Candi L. Rowe, Village Clerk

