

VILLAGE OF ANTIOCH

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12-02-02

*AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION ON THE SOUTH SIDE OF  
ILLINOIS ROUTE 173, IMMEDIATELY WEST OF DEEP LAKE ROAD  
(FILE NO. PZB 12-01)*

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ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

February 20, 2012

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

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LAWRENCE M. HANSON

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**ORDINANCE NO. 12-02-02**

**AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION  
ON THE SOUTH SIDE OF ILLINOIS ROUTE 173, IMMEDIATELY WEST OF  
DEEP LAKE ROAD (FILE NO. PZB 12-01)**

**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 final 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 meeting on the petition, on January 26, 2012, and

**WHEREAS,** following testimony from the petitioner and Village Staff, the PZB concluded with a positive recommendation, with a very few minor conditions remaining to be addressed in the technical engineering documents, and

**WHEREAS,** the engineering conditions primarily related 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,** Village Staff has advised the corporate authorities that the technical engineering issues have been resolved and should not constitute an impediment to approval of the final plat of subdivision at this time, 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. 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 final plat of subdivision prepared by Manhard Consulting, bearing final revision date of December 19, 2011, consisting of four (4) plate pages be and is approved, subject to the resolution of final engineering issues listed in a letter from Howard R. Green dated January 25, 2012, and incorporated into the Village Staff Report to the Planning and Zoning Board Dated January 24, 2012. Exhibits to the Final Plat include the following documents:

- A. Letter of Outstanding Technical Issued Howard R. Green dated January 25, 2012, (On 2-6-12 Village Board moved to omit crosswalk recommendation).
- B. Recommendation Letter from Village Staff dated January 24, 2012
- C. Proposed Declaration of Easements, Covenants, and Conditions Drafted by Thompson Colbert LLP.

- D. Proposed Dormant Special Service Area Ordinance, entitled AN ORDINANCE RATIFYING THE ESTABLISHMENT OF A SPECIAL SERVICE AREA WITHIN THE VILLAGE OF ANTIOCH (LAVELLE SUBDIVISION)
- E. Request for IDNR Consultation Termination from the Village.
- F. United States Army Corp Permit for Wetland Disturbance and Deed Restriction
- G. Proposed Engineering and Site Plans Prepared by Manhard Consulting Consisting of 16 Pages Dated Jan. 13, 2012
- H. Proposed Plat of Easement Prepared by Manhard Consulting Consisting of 2 Pages Dated Jan. 13, 2012

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

- A. No building or site development permits for projects of any kind on the site shall issue until all final approvals are obtained from the USACOE, IDNR and SMC and duly filed with the Village, and any such permits shall comply with all conditions described in such approvals from those agencies.
- B. 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.
- C. The developer shall have paid all relevant Village Fees to the project including development, site, impact, and recapture fees prior to the issuance of permits.
- D. 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.** The petitioner is granted a variance from the operative provisions of the Antioch Municipal Code which would otherwise require it to install sewers and water lines to the southern boundary of the property, pursuant to the engineering plans included as a part of the final plat of subdivision.

**SECTION FIVE.** The Mayor, Clerk, Village Attorney and all other municipal officials are directed to sign the final plat to signify approval thereof, and in addition thereto, the Clerk is directed to record the same at the petitioner's expense.

**SECTION SIX. 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.

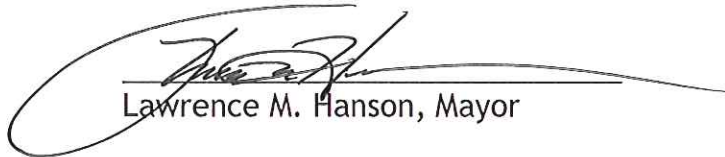
**SECTION SEVEN.** This Ordinance shall be in full force and effect from and after the passage and approval and publication in pamphlet form, as provided by law.

PASSED and APPROVED this 20th day of February, 2012.

AYES: 4: Sakas, Poulos, Dominiak and Jozwiak.

NAYS: 1: Pierce.

ABSENT: 1: Crosby.

  
Lawrence M. Hanson, Mayor

ATTEST:

  
Candi L. Rowe, Village Clerk



STATE OF ILLINOIS )  
                                  )       SS  
COUNTY OF LAKE )

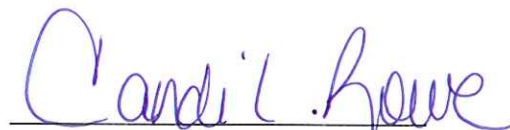
**CERTIFICATE**

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 20, 2012, the Corporate Authorities of such municipality passed and approved Ordinance No. 12-02-02, entitled "***AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION ON THE SOUTH SIDE OF ILLINOIS ROUTE 173, IMMEDIATELY WEST OF DEEP LAKE ROAD (FILE NO. PZB 12-01)***" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 12-02-02, 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 23<sup>rd</sup> day of February, 2012.

  
Candi L. Rowe, Village Clerk

