

**VILLAGE OF ANTIOCH**

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**ORDINANCE NO. 16-06-16**

***AN ORDINANCE GRANTING A REZONING FOR THE BUEHLER PROPERTY TO B-3  
ZONING - (PZB-16-02)***

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

**OF THE**

**VILLAGE OF ANTIOCH, ILLINOIS**

**ON**

**JUNE 6, 2016**

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**Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 10<sup>th</sup> day of June, 2016**

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		JAY JOZWIAK	<b>Trustee</b>

## ORDINANCE

### ***AN ORDINANCE GRANTING A REZONING FOR THE BUEHLER PROPERTY FROM RE-1 TO B-3 ZONING DISTRICT (PZB-16-02)***

**WHEREAS**, pursuant to Chapter 15 of Title 10 of the Antioch Village Code, a public hearing was commenced by the Combined Planning Commission and Zoning Board on April 14<sup>th</sup>, 2016 following notification as required by State Law and Village Ordinance to consider a petition for a Rezoning of the Buehler parcel commonly known as 2221 W. Route 173, Antioch to rezone to B-3 commercial zoning, upon completion of a proposed annexation;

**WHEREAS**, the Combined Planning Commission recommended approval to the Village Board of the requested rezoning to B-3; and

**WHEREAS**, the Corporate Authorities have concluded and found that the Rezoning, subject to and in conformance with the following findings of facts; 1) Is consistent with the zoning classifications of the surrounding uses; 2) Is consistent with the Village's land uses policies and Comprehensive Plan; 3) The proposed rezoning will not have any negative or detrimental impact on the surrounding properties; 4) The proposed rezoning of the subject property is consistent with the trend of development along the Route 173 corridor.

**WHEREAS**, the Corporate Authorities have concluded that the proposed B-3 zoning is consistent with the development patterns along Route 173 and will help promote new economic development within the Village's boundaries.

**WHEREAS**, the Corporate Authorities have further completed the annexation of the property by Ordinance duly adopted on even date herewith, and have approved an annexation agreement contemplated by the said Ordinance:

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

**SECTION I:** The representations, recitations and findings set forth in the foregoing recitals are material to this Ordinance and such recitals are hereby incorporated into and made a part of this Ordinance as though they were fully set forth herein. This Ordinance shall be liberally construed so that the purpose and intent represented by the recitals shall be accomplished to the greatest extent permitted by law.

**SECTION II:** That the real estate which is the subject of this ordinance (Subject Property) is legally described as follows:

Lots 18 and 19 in School Trustee's Subdivision of Section 16, Township 46 North Range 10 East of the Third Principal Meridian (except the West 1,363 feet thereof, and except the East 997.3 feet thereof), in Lake County, Illinois.

**SECTION III:** That, subject to the conditions stated below, the Rezoning upon annexation from RE-1 to B-3 shall be and is hereby approved and shall be binding upon the Village, Petitioner and Owner, and their respective owners successors, and assigns when a true execution copy of this Ordinance is tendered to the Village fully executed by the Petitioner and Owner, and when the Mayor has affixed his signature upon the Ordinance.

**SECTION IV:** The following exhibits shall be attached to and made a part of this Rezoning Ordinance and, except as expressly modified by this Ordinance, compliance with all standards, requirements, designs or specifications in such exhibits shall be a condition of the grant of this Rezoning Ordinance:

- A. Staff Reports, attached as Exhibit A;
- B. PZB Recommendation, attached as Exhibit B.

**SECTION V** Any person violating the terms and conditions of this Ordinance shall be subject to a penalty not exceeding Five Hundred Dollars (\$500.00) with each and every day that the violation of the Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees. This section shall not apply to the Village of Antioch, its officials, agents or employees.

**SECTION VI** If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not be included.

**SECTION VII** That the Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form as provided by law.

**SECTION VIII:** That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

**Passed this 6<sup>th</sup> day of June, 2016**



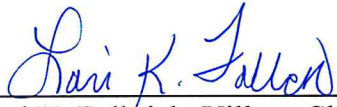
	Ayes:	Nays:	Absent/Abstain:
Scott A. Pierce	X		
Jay Jozwiak	X		
Ted Poulos	X		
Ed Macek	X		
Mary Dominiak	X		
Jerry Johnson			X

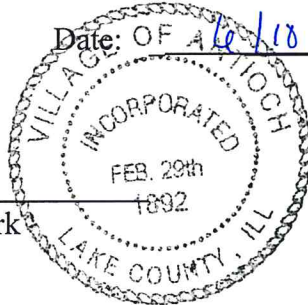
**APPROVED:**

By: 

Lawrence M. Hanson, Mayor

**ATTEST:**

By:   
Lori K. Folbrick, Village Clerk



Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on June 6, 2016

STATE OF ILLINOIS)

)

COUNTY OF LAKE )

# CERTIFICATE

I, Lori K. Folbrick, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on June 6, 2016, the Corporate Authorities of such municipality passed and approved Ordinance 16-06-16, entitled the applicant to rezone the subject property commonly known as 22221 W. Route 173, County of Lake, Antioch, Illinois which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 16-06-16 including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on June 10, 2016 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 10<sup>th</sup> day of June, 2016.

Kari K. Fullen

Lori K. Folbrick, Village Clerk



## Exhibit "A" Staff Report



**REPORT TO:** VILLAGE PRESIDENT and BOARD OF TRUSTEES  
**FROM:** MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director  
**DATE:** May 11, 2016  
**SUBJECT:** REPORT TO VILLAGE BOARD  
**CASE:** Buehler  
16-02 AA/RZ

**REQUEST:** Annexation Agreement (**Public Hearing**) Annexation Rezoning

**LOCATION:** Route 173, south of Wal-Mart (22221 W. Il Route 173)

**APPLICANT:** Colony Investments

**ZONING:** Unincorporated Lake County (commercial)

### Background

The applicant has submitted an application for an annexation and rezoning for the property commonly known as 22221 W. Route 173. The applicant is seeking to annex into the Village of Antioch so they can eventually connect to Village utilities which are adjacent to the subject site. The applicant is working with staff on the long term conversion of this building from its semi-service/industrial use to a more retail oriented building. Any future retail use of the site would require a reimagining of the building with more contemporary store fronts.

### Annexation

The applicant is proposing to annex approximately 9.54 acres into the Village and rezone the property to B-3 zoning. The subject site currently contains a one story light industrial building that was constructed in the county. The subject site was originally constructed to attract small service businesses and the applicant now wishes to transform the building to more conventional retail uses.

The subject site is currently contiguous to the Village of Antioch and is within the Village's planning area. The subject site is located within the Village's Facility Planning Area (FPA) and utilities are adjacent to the subject site. The site is identified as commercial in the Village's Comprehensive Plan.

Based on the foregoing, staff would recommend that the proposed annexation is a logical extension of the Village's municipal boundaries.

## **Annexation Agreement**

The applicant has submitted a new "Standard Annexation Agreement" along with a proposed Exhibit C and staff has had the opportunity to review the proposed language with the Village's counsel. Staff is taking this opportunity to provide the Village Board with a summary of the terms of Exhibit C:

1. The parties agree that there are no applicable fees for parks or schools.
2. That any municipal fees related to annexation, municipal, forestation, or library shall be waived for this commercial development.
3. The applicant will be responsible for construction a cross access easement and constructing a 24 foot cross-access drive at no expense to the Village when the Waste management property re-develops. The Village further agrees that they will work with any future developer of the Waste management property on a shared reciprocal parking easement between the properties.
4. The applicant shall be re-imaging their proposed building as new commercial tenants sign leases. The proposed re-imaging shall be consistent with the attached exhibit to the annexation agreement.
5. The applicant at their sole costs shall be connecting to Village sanitary. Any water connection shall be deferred until the time the applicant seeks in writing to connect to Village water.
6. The applicant shall be permitted to maintain a legally nonconforming billboard sign until the time that the Waste Management property redevelops.
7. The applicant shall be permitted to construct a new parking lot on the subject property once they vacate the existing septic field on site. Any construction of a new parking lot shall comply with the Village's landscaping and photometric ordinances.
8. The applicant shall be permitted to install one meter for their sanitary connections for the whole building and shall be responsible for paying any applicable sanitary charges for the building to the Village of Antioch.
9. No Dormant Special Service Areas shall be requires as long as there is unified ownership of the aforesaid property.

## **Rezoning**

The applicant is seeking to rezone the subject property to B-3 (Service and Wholesale Business District) from its current commercial zoning in the county. The subject site is a one story light industrial building and the applicant is seeking to attract more retail uses over time. In addition, the applicant is seeking to connect to Village water and sanitary services, which over time will eventually allow them to expand the existing parking lot for future commercial uses.

Originally, the applicant submitted an application for B-2 zoning which is consistent with the Wal-Mart and Menard's development to the north of the subject site. The request for B-3 zoning will allow a number of uses that the B-2 zoning district does not permit. These uses include some of the following; a) Automobile and truck motor repair and minor service shop; B) Battery and tire service stations; C) Boat showroom; d) Building material sales, when conducted wholly within the corridor; D)Household appliance repair shop; E) Plumbing shops; F) Trailer sales or rental on an open lot within a building;

The proposed B-3 zoning is more consistent with the existing uses within this building which include a cabinet business and a number of smaller light industrial users. It is staff's hope that this proposed building attracts more retail uses which would be more consistent with the Route 173 Corridor Plan and the Village's long term vision for Route 173.



Prior to making any favorable recommendation for any requesting rezoning, it is important that certain findings or standards be met by the applicant. Any rezoning consistent with Illinois law should meet the following criteria:

- Be consistent with zoning and land uses in the surrounding area.
- Be consistent with the Village's policies and Comprehensive Plan.
- Not have any negative impact on the surrounding properties, including the diminishing of property values.
- Consistent with the trend of development in the adjacent area.

While there is no set of formal findings that are outlined in Section 10-15-4, any proposed rezoning should take these factors into account. Based on these factors, it is important to look at the surrounding uses adjacent to the subject site:

North:	Commercial (Wal-Mart)
East:	Commercial (Tire Store)
South:	Wetlands & Residential
West:	Commercial (Waste Management)

The requested zoning of the subject property to B-3 is generally consistent with the commercial character of the surrounding area. Route 173 is currently the major commercial corridor for the Village of Antioch and staff anticipates future commercial development to the east, west, and south of the Wal-Mart planned development. The subject property is located on a strategic regional arterial and staff believes that the site is appropriate for future commercial development.

The Village's Comprehensive Plan and its Route 173 Corridor Plan identifies a combination of existing commercial and Forest Preserve around the subject site. To the south of the subject site is extensive wetlands which dictates that the area to the south and southeast will remain open space. However, the Comprehensive Plan does identify that the subject site incorporates commercial opportunities.

In addition, there is nothing to indicate that the proposed development will have any negative impact on any of the surrounding properties. As outlined above, it is staff's hope that the Waste Management property to the west will be annexed one day and redeveloped into a commercial node. The property to the east of the subject site is currently within the Village and is zoned B-3. Staff believes that there will be long term opportunities to redevelop this site into a more intense retail use.

Lastly, it is clear that the rezoning of the subject site and redevelopment of the site into a retail use is clearly consistent with the trend of development along the Route 173 corridor. As outlined above, Route 173 will continue to see new commercial development. Staff anticipates future commercial development on the "Market Place" site and "Hortis" site. The applicant's site provides the opportunity for future commercial development on the south side of Route 173 which will provide more opportunities to attract new businesses to the corridor.

### **Route 173 Corridor Plan**

Any new development along Route 173 must comply with the "Route 173 Corridor Plan" which was adopted by the Village Board and made part of the Village's Comprehensive Plan. To ensure that Route 173 does not develop into the standard commercial strip development, Antioch has adopted a series of design parameters as outlined in the corridor plan to maintain the quality of the corridor. A series of "principles" have been established and they include the following:



- Preserve/enhance open space and environmental features;
- Promote connectivity between land uses and adjacent developments;
- Provide transitions between land uses;
- Incorporate existing site conditions into development plans;
- Provide a sense of architectural interest;
- Enhance pedestrian experience and establish sense of place through careful design and location of open spaces;
- Thoughtful consideration of vehicular and pedestrian circulation within individual developments;
- Provide for unified landscape treatment along Route 173 and consistent right-of-way and buffer treatments;
- Establish unique gateway entry feature to identify the Village;
- Enhance major intersections and create sense of place along the corridor to emphasize the Village character and identity;
- Create a cohesive signage program;

The applicant is not immediately proposing to make any modifications to the subject site and therefore in the near term would not be meeting any of the highlighted principals outlined above. Based on this fact, staff has some concerns whether the applicant is adhering to the Route 173 Corridor Plan as adopted.

Based on negotiations with the applicant, the proposed terms of the Annexation Agreement address the following design criteria of the Route 173 Corridor Plan:

- The applicant has committed to a long term plan to incorporate cross-access easements into any future development that may occur on the Waste Management parcel to the west of the subject site.
- The applicant has committed to architecturally upgrade the existing facade of the building as new commercial tenants sign leases. The new façade shall be consistent with the attached elevations and will reflect a more contemporary retail building.
- The applicant has committed to upgrade the landscaping and plighting on the subject property when the site's existing parking lot is reconfigured and expanded.
- The applicant has agreed to remove the nonconforming billboard sign on the subject site when the Waste Management property redevelops.
- The applicant will be connecting to the Village's sanitary utilities and will connect potentially to the Village's water system.

All of these outlined improvements will improve the subject property and will bring the property into conformity with the development standards that we have demanded on other commercial developments along Route 173. The proposed improvements are generally consistent with the Route 173 Corridor Plan and will improve the aesthetics of the site over time.

#### **RECOMMENDATION**

Based on the foregoing analysis, the PZB and staff recommends the following motions:

***We move that the Village Board approve an ordinance for annexation rezoning of the subject property to B-3 zoning.***

## Exhibit “B” PZB Report



June 15, 2016

To: The Honorable Larry Hanson, Mayor; and Members of the Village Board of Trustees

From: Chairman, Combined Planning and Zoning Commission

RE: Buehler Annexation and Rezoning to B-3 for a 9.54 acre site on Route 173

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The Combined Planning Commission and Zoning Board conducted a public hearing on January 14<sup>th</sup>, 2016 following notification, as required by State Law and Village Ordinances, to consider a proposed Annexation and Rezoning. Upon closure of the hearing the Planning and Zoning Board recommended approval of the petition for an Annexation request pursuant to Title 10-3-3 and 10-14-4 of the Village Code.

Staff made an overview of the proposed Annexation and Rezoning for the subject property. The applicant's counsel represented that the applicant is seeking to annex into the Village and connect to Village sanitary, which would allow the applicant to expand their parking lot. The future plan is to convert this light industrial building into a retail building which is consistent with the trend of development along Route 173.

In accordance with Section 10-3-3 of the Zoning Ordinance, any proposed Annexation should be a logical extension of the Village's municipal boundaries. In addition, any proposed Rezoning should not have a negative impact on any adjacent properties and should be consistent with the trend of development. In addition, any rezoning should meet the following standards in accordance with case law:

- 1) Be consistent with the zoning and land issues in the surrounding areas.
- 2) Be consistent with the Village policies and Comprehensive Plan.
- 3) Not have any negative impact on the surrounding properties, including the diminishing of property values.
- 4) Consistent with the trend of development in the adjacent area.

Therefore based upon the review of the standards of 10-3-3 and 10-14-4 of the Village Code, and the current facts of the case, staff recommended approval of the proposed Annexation and Rezoning to B-3 zoning. Based upon the review of the petition, testimony provided at the hearing, and relevant code criteria of Title 10 of the Village Code, the Planning and Zoning Board accepted staff findings and recommended the approval of the Annexation and requested Rezoning.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael S. Garrigan", is written over the typed name.

Michael S. Garrigan, Community Development Director on behalf of the  
Combined Planning Commission and Zoning Board