

**VILLAGE OF ANTIOCH**

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**ORDINANCE NO. 17-02-05**

***AN ORDINANCE GRANTING AREZONING FOR THE TOBIAS PROPERTY TO B-3  
ZONING  
(PZB-16-12 AA/RZ)***

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

**OF THE**

**VILLAGE OF ANTIOCH, ILLINOIS**

**ON**

**FEBRUARY 20<sup>th</sup>, 2017**

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**Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 21<sup>st</sup> day of February 20<sup>th</sup>, 2017**

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**ORDINANCE NO. 17-02-05**

**AN ORDINANCE GRANTING A REZONING FOR THE TOBIAS PROPERTY TO  
B-3 ZONING  
(PZB-16-12 AA/RZ)**

**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 December 8<sup>th</sup>, 2016 following notification as required by State Law and Village Ordinance to consider a petition for a Rezoning of the Tobias parcel commonly known as 41055 N. Route 83, Antioch to rezone to B-3 commercial zoning (the Subject Property); and

**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 83 corridor; and

**WHEREAS**, the Corporate Authorities have concluded that the proposed B-3 zoning is consistent with the development patterns along Route 83 and will help promote new economic development within the Village's boundaries; and

**WHEREAS**, the Petitioner has proposed an entirely commercial use for the subject property which is consistent with the commercial and industrial nature of properties in the immediate vicinity, including those within the Village along Route 83 and those in the nearby unincorporated area;

**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 is legally described as set forth on the attached legal description.

**SECTION III:** That, subject to the conditions stated below, the Rezoning 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;

**SECTION V:** This rezoning permits the use of the Subject Property for all commercial uses consistent with the terms and conditions of an Annexation Agreement executed on the same day as this ordinance, and authorizes the uses of the Subject Property for no purposes other than those set forth in that Agreement and the B-3 Zoning District, as it exists now or may hereafter be amended, provided that any subsequent amendment shall not infringe on the Owner's rights established in that Agreement during its term.

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

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

**Passed this 20<sup>th</sup> day of February, 2017**

	<b>Ayes:</b>	<b>Nays:</b>	<b>Absent/Abstain:</b>
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

Date: \_\_\_\_\_

2/21/17

**ATTEST:**

By: \_\_\_\_\_

Lori K. Romine, Village Clerk



Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on February 20<sup>th</sup>, 2017.

STATE OF ILLINOIS)  
COUNTY OF LAKE )

# CERTIFICATE

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

I certify that on February 20<sup>th</sup>, 2017, the Corporate Authorities of such municipality passed and approved Ordinance No. 17-02-05 entitled the applicant to rezone the subject property commonly known as 41055 N. Route 93, Antioch, Illinois which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 17-02-05 including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on February 21, 2017 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 21<sup>st</sup> day of February, 2017

Lari K. Romine

Lori K. Romine, Village Clerk





**REPORT TO:** VILLAGE PRESIDENT and BOARD OF TRUSTEES  
**FROM:** MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director  
**DATE:** February 1, 2017  
**SUBJECT:** REPORT TO VILLAGE BOARD

**CASE:** Tobias  
16-12

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

**LOCATION:** 41055 N. Route 83

**APPLICANT:** Trent Tobias

**ZONING:** Unincorporated Lake County

### **Background**

The applicant is seeking to annex approximately 2.27 acres into the Village of Antioch. The subject site currently contains two metal buildings which are used for retail sales, a coffee shop, along with equipment and material storage for a maintenance business. The applicant wishes to annex the subject site and has plans to construct two future buildings on the subject site.

### **Annexation**

The applicant is proposing to annex approximately 2.27 acres into the Village. 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 property to north is currently in the Village and zoned M-1. In addition, the Village's Comprehensive Plan of 1991 does identify this property as commercial.

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 the Village's standard annexation agreement along with a proposed Exhibit C which highlights the relief being sought from the Village's standard agreement. Below is a summary of Exhibit C for the benefit of the Village Board:

- 1) The applicant is proposing to be permitted to operate the following uses; retail sales, truck and heavy equipment storage for maintenance business. In addition, the applicant is requesting permission for the use of six or more containers along with a salt storage corral. The applicant is also proposing to house chickens and roosters not to exceed 30 total in number.
- 2) The applicant is proposing to be permitted to maintain the existing buildings as constructed and developed along with the proposed elevation changes as reflected in exhibit D. The new proposed building shall comply with applicable village codes and ordinances, except that it shall be granted relief from the Village's Site Plan Review ordinance and will be allowed to construct a structure with fiber cement board.
- 3) The owner shall cause the sewer construction to begin within the later of three years after annexation or 90 days after receiving all required IEPA sewer construction permits.
- 4) The following fees and Village requirements shall be waived; Parks and School, Library Impact, Annexation, Forestation, Architectural Design provisions and Dormant Special Service Area creation.

## **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 currently contains two metal buildings which contains retail, a coffee shop and outdoor storage for landscaping equipment.

The subject site is located on Route 83 and there are a number of commercial uses along the corridor. To the north is a vacant parcel that is within the Village's boundaries and is zoned M-1 (Manufacturing-Limited). The corridor along the subject site contains a poor mix of uses including residential, fuel station, restaurants, light industrial and office. One of the long term goals of Staff is to create a new corridor plan for Route 83 with a unified plan that will attract new quality commercial development to the corridor.

Prior to making any favorable recommendation for any requested 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:	M-1 (Light industrial)
East:	Railroad (Canadian National)
South:	Vacant (County zoning)
West:	Vacant (County zoning)

The requested zoning of the subject property to B-3 is generally consistent with the commercial character of the surrounding area. As highlighted above, the Route 83 corridor contains a variety of commercial uses and Staff has identified a long term opportunity to attract new commercial users to the corridor.

In addition, there is nothing to indicate that the proposed development will have any negative impact on any of the surrounding properties. The subject site to the north is zoned M-1 (Manufacturing) and the property to the south is vacant, but would be appropriate for future commercial property. The site to the west is the Canadian National railroad and to the north are a number of commercial businesses including a fuel station and restaurants.

Based on the surrounding uses, there is nothing to indicate that the requested B-3 zoning will have any negative impact on the surrounding properties. The trend of development along Route 83 will continue to dictate commercial development. Due to the volume of traffic along the corridor, Staff does not believe that new residential development will be attracted to the corridor. Many of the existing single-family homes along the corridor are currently under pressure for new transitional uses including commercial and office.

### **Site Plan**

At this time the applicant is not seeking a site plan for the subject site. In the future, they will be required to submit a Site Plan Review application prior to making any improvements to the subject site. Based on Staff's preliminary review, a number of issues exist pertaining to the proposed site plan and the Village's current Site Plan Review Ordinance.

The applicant is proposing to construct two new buildings on the subject site and to add several gravel parking lots that would be used for outdoor storage. In addition, it is unclear from the proposed site plan whether the applicant is proposing to make improvements to the existing parking lots.

The applicant is proposing to re-image the existing metal buildings to reflect the historic rural character of Antioch. In lieu of adding brick or stone, the applicant is seeking to work around the existing design by adding a number of architectural elements, including a modified roof-line, cupulas and over-hang to introduce some architectural interest to the elevations.

In addition, the applicant has identified a third building which again reflects an agrarian theme and which will be constructed out of fiber-cement board. In lieu of constructing a conventional commercial brick building, the applicant is trying to embrace a rural design theme.

Based on this, Staff has the following concerns:

- Any future buildings on the subject site will need to comply with the Village's Site Plan Review ordinance.
- Long term landscape improvements should be made to the subject site consistent with Site Plan Review ordinance.

#### **RECOMMENDATION**

Based on the foregoing analysis, the PZB and Staff made a favorable recommendation that the proposed Annexation of the subject property is a logical extension of the Village's municipal boundaries. Based on Staff's review, the proposed terms of the Annexation Agreement appear to be consistent with Village policy.

In addition, Staff and the PZB recommended approval of the proposed rezoning of the subject site to B-3 which is consistent with the existing character along the corridor and trend of development.

***We move that the Village Board direct the Village Attorney to draft an Ordinance approving the Annexation and Annexation Agreement for the Tobias property subject to any modifications requested by the Village Board.***

***We move that the Village Board direct the Village Attorney to draft an ordinance rezoning the Tobias property to B-3 zoning.***