

VILLAGE OF ANTIOCH

ORDINANCE NO. 17-05-12

***AN ORDINANCE GRANTING A REZONING FOR THE PETTY PROPERTY TO B-3
ZONING
(PZB-17-02 RZ)***

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

May 1, 2017

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 9th day of May, 2017**

LAWRENCE M. HANSON

President

JERRY JOHNSON

Trustee

MARY DOMINIAK

Trustee

LORI K. ROMINE

Clerk

TED POULOS

Trustee

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Trustee

ROBERT J. LONG

Attorney

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Trustee

JAY JOZWIAK

Trustee

ORDINANCE NO. 17-05-12

***AN ORDINANCE GRANTING A REZONING FOR THE PETTY PROPERTY TO B-#
ZONING (PZB-17-02 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 March 9th, 2017 following notification as required by State Law and Village Ordinance to consider a petition for a Rezoning of the Petty parcel commonly known as 22855 W. Route 173, Antioch to rezone to B-3 commercial zoning;

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:

***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:

(See 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 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 1st day of May 2017

| | 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

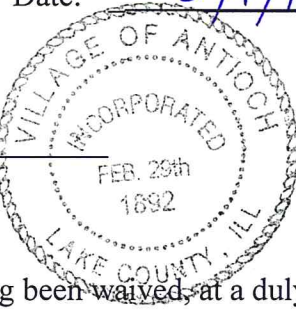
Date: _____

5/1/17

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 May 1, 2017

STATE OF ILLINOIS)
) SS
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 May 1, 2017, the Corporate Authorities of such municipality passed and approved **Ordinance No. 17-05-12**, entitled ***"AN ORDINANCE GRANTING A REZONING FOR THE PETTY PROPERTY TO B-3 ZONING (PZB 17-02 RZ)"*** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 17-05-12**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 9, 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 9th day of May, 2017.



Lori K. Romine, RMC/CMC
Village Clerk



EXHIBIT A
Legal Description of Subject Property

PARCEL 1

LOT 1 AND 2 IN BLOCK 5 OF LAGOONA, A SUBDIVISION IN SECTIONS 16 AND 21, TOWNSHIP 46 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 7, 1954, AS DOCUMENT 820682, IN BOOK 1238 OF RECORDS, PAGE 559, IN LAKE COUNTY, ILLINOIS.

PARCEL 2

THAT PART OF A TRACT OF LAND IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 46 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE WEST LINE OF SAID QUARTER SECTION, 44.7 FEET SOUTH OF THE NORTHWEST CORNER THEREOF, SAID POINT BEING THE SOUTH RIGHT OF WAY LINE OF THE PUBLIC HIGHWAY, THENCE SOUTH ALONG THE SAID WEST LINE 150 FEET, THENCE EAST 140 FEET, THENCE NORTH 150 FEET TO THE SAID SOUTH LINE OF PUBLIC HIGHWAY, THENCE NORTH ALONG THE SAID SOUTH LINE OF THE PUBLIC HIGHWAY, 140 FEET TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PARCEL 3

THE NORTH 863.0 FEET OF THAT PART OF LOTS 16 AND 23 IN SCHOOL TRUSTEES SUBDIVISION OF SECTION 16, TOWNSHIP 46 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 16, THENCE WEST 9.26 CHAINS; THENCE SOUTH 27 CHAINS; THENCE EAST 9.26 CHAINS TO THE EAST LINE OF SAID LOT 23; THENCE NORTH 27 CHAINS TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PINS: 02-16-301-001
02-16-301-002
02-16-300-005



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

CASE: Petty Farm
17-02 AA/SU/RZ/C

REQUEST: Annexation Agreement (Public Hearing)
Annexation
Rezoning
Special Use
Concept

LOCATION: 22855 W. Route 173

APPLICANT: Terry Upton

ZONING: Unincorporated Lake County

Background

The applicant is proposing to Annex approximately 13.04 acres into the Village and rezone it commercial. Currently, the applicant does not have any end-users for the subject property and is only seeking conceptual approval of the property. In addition, the applicant is seeking approval of a Special Use for a Planned Development.

The East Route 173 Corridor Design Guidelines and Land Use Report (Amendment to the Comprehensive Plan) identifies the subject 13.04 acres as open space. The subject property is currently located in unincorporated Lake County and is currently vacant.

Annexation

The applicant is proposing to annex approximately 13.04 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 located to the east of the subject site (GLP

commercial development). The property is contiguous to the Village from the north. The Market Place commercial parcel is located to the north and that property was zoned as a commercial PUD and annexed into the Village. The long term plan for the Village is to annex the balance of parcels along Route 173 with the exception of the Forest Preserve parcels.

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 an Exhibit C. Staff is taking this opportunity to provide the Village Board with a summary of the terms of Exhibit C.

1. The Village agrees to waive the Annexation, Municipal, Forestation, Traffic, Sanitary Oversizing Impact fees. In addition, there are no applicable school, park, or library fees applicable to this proposed commercial development.
2. There will be no requirement for a Dormant Special Service Area within this commercial development.
3. The Village agrees as part of this Special Use for Planned Development to provide the following relief:

The Village agrees to approve a Special Use with the following relief; a) variance for a drive-thru lane to permit 70 foot separation to closest residence; b) to allow a 10 foot landscape buffer along the subject site which is contiguous to the north line of residential area; c) To allow for a 20 foot set back from right of way for parking and buildings; d) a variance to allow internal illumination for signage.

4. The Village agrees to enact ordinances granting a special use for outdoor storage subject to required screening and to allow up to three drive-thru lanes without by-pass lanes.
5. Paragraph 10 is modified to provide that the subject property will be only obligated to pay recapture fees, interest and/ or Village administrative fees if applicable to subjected recapture agreements or ordinances.

Special Use for Planned Unit Development

When looking at any Special Use request, it is important to look at the surrounding uses in order that the proposed use of the subject site is generally in character of the surrounding uses. The character of the surrounding area is transitional. Below is a summary of the surrounding uses:

Below is a summary of the surrounding uses:

| | | |
|--------|-----------------|------------------|
| North: | Commercial | (B-3) |
| East: | Residential | (unincorporated) |
| South: | Forest Preserve | (Estate) |

West: Forest Preserve (Estate)

In accordance with Section 10-15-5, any proposed Special Use must comply with three findings of facts that are outlined in this section of the Zoning Ordinance. The required findings of facts are as follows:

Analysis

a) The compatibility of the proposed use with the existing and planned uses on abutting properties:

The subject parcel is surrounded by Forest Preserve to the west and south and is identified as open space in the Village's Route 173 Design Guidelines and Comprehensive Plan. In addition, the subject site incorporates extensive forestation. To the north of the subject site is the old Market Place commercial development which incorporated several proposed big boxes and junior projects before the downturn in 2008.

In view of the existing Forest Preserves located around the subject site and the residential neighborhood to the east, it is imperative that any commercial development blend in with the character of the area. The submitted concepts incorporate a 20 foot buffer along the future ROW for Route 173. Efforts should be made to incorporate an extensive landscape buffer along Route 173 and the western perimeter of the site. To maintain the character of the area, extensive landscaping will have to be added to the future buffer along Route 173 in order that it blends in to the open space located to the west and residential area to the east.

b) Any increase in density or intensity of the proposed use that will affect the compatibility of the use with existing and planned uses in the surrounding area:

As identified above, the subject site has been identified as open space based on the Route 173 Design Guidelines which are part of the Village's Comprehensive Plan. The adjacent open space dictates some sensitivity in design of the subject site.

This requirement can be accomplished by an extensive landscape buffer along Route 173 and a tree survey of mature trees to see if any are worth preserving. Much of the existing tree line along Route 173 will be lost with the future Route 173 improvements and much of the tree line is scrap and not worth of preservation. However, there may be a number of trees that can be integrated into the future landscape plan for this development.

c) The proposed use will not change the predominant character of the surrounding area:

As identified above, the Village's Comprehensive Plan identifies the site as open space. In order to avoid any negative impact on the parcels to the west and south, active efforts need to incorporate an extensive landscape buffer along Route 173 and the western perimeter of the subject site.

Good design and sensitive site planning can negate any negative impact on the Forest Preserve property located to the west and south of the site. Avoiding conventional strip centers with large parking lots with a minimum of landscaping is something that Village policy does not permit. The Village's recently adopted "Community Vision" calls for preserving the small town and historic character of the area. To avoid the creation of a placeless new development, great care will have to be given by the developer to integrate the landscape design and future architecture of this

development into the semi-rural character of the area. The surrounding parcels will dictate a real sensitivity in design of the subject site.

- d) The ability to mitigate adverse and understandable impact to the surrounding area, including, but not limited to individual impacts, air emissions, noise, vibrations, glare, heat, odors, water pollution, electromagnetic interference and other nuisance effects:*

The applicant's proposed concept and development of the subject site if properly design can integrate into the character of the subject area and the adjacent Forest Preserve property. One of the challenges of the site and future commercial development on Route 173 is that the site is located on an arterial that makes it appropriate for commercial development. However, there is extensive Forest Preserves, wetlands and other environmentally sensitive areas located along Route 173 that help give the Village's its special character. Balancing new commercial development with the natural resources of the area is something that Staff is focused on.

Consequently, by incorporating an extensive landscape buffer around the perimeter of the subject site and by making every effort to preserve some of the mature trees on the subject site the applicant can mitigate any negative impacts on the surrounding properties.

- e. Amount of traffic generated and capacity and design of roadways and available parking facilities to handle anticipated traffic:*

The applicant's proposed site is located on Route 173 which is a major arterial. Staff is working with the Illinois Department of Transportation on the long term improvements of Route 173. Improvements plans for Route 173 are being improved by Staff and the long term plan is to improve Route 173 to a four lane arterial with an urban profile along the applicant's frontage.

With respect to signalization, Staff will be meeting with IDOT in the future about the long term signalization of this section of Route 173. The Village will be requesting a signal at the newly planned Grimm Road (between Kunes Ford and Body Craft) and we potentially anticipate a signal at Lincoln Street in the future.

- f. The effect on infrastructure including water, wastewater, storm water, utilities, and streets:*

The Village has the utility capacity to serve the subject site for commercial development. The applicant will be required to extend the utility lines as part of this proposed project. With respect to the impact on adjacent streets, improvements to the entrance off of Lincoln Street will have to be made as part of this proposed project including potentially de-acceleration lanes along Route 173.

- g. The incorporation and integration of architectural and landscape features to mitigate impacts from the proposed use:*

The applicant has only submitted a conceptual land plan with two various options based on the final uses of the subject site. No architectural standards or guidelines have been submitted by the applicant on this proposed retail concept. Staff will be working with the applicant on architectural and landscape

guidelines as part of this proposed Planned Development. In addition, the applicant will be required to proceed with a Site Plan Review and comply with the Village's Site Plan Review Ordinance once they have users for the subject site.

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 vacant field that is not under cultivation. In addition, there is an existing single family home at the corner of Lincoln Avenue and Route 173 that will be a part of this future commercial development.

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:

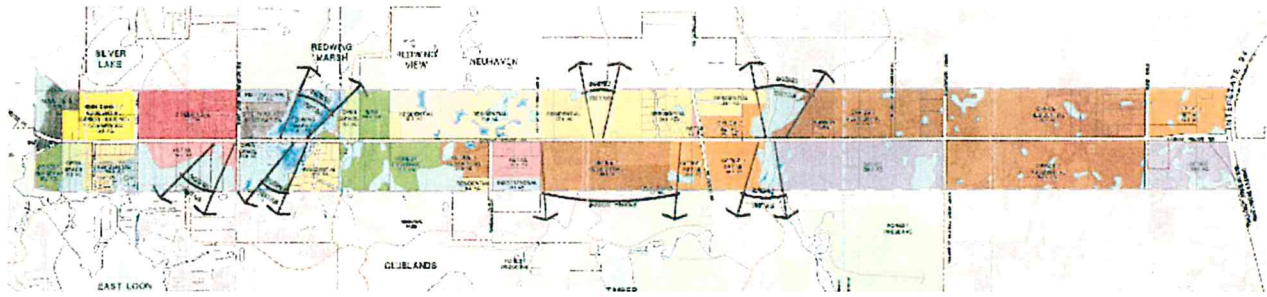
- Be consistent with zoning and land uses in the surrounding area.
- Be consistent with the Village's policies and Comprehensive Plan.
- Not have any negative impact on the surrounding properties, including the diminishing of property values.
- Consistent with the trend of development in the adjacent 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. The subject site contains a number of constraining elements that should be considered when determining whether the proposed B-3 zoning is appropriate. Below is an analysis of the factors that should be considered in determining whether the requested rezoning to B-3 is appropriate for the subject site:

The subject site is located on Route 173 which is the main east-west arterial through the Village of Antioch. The "East Route 173 Corridor Design Guidelines and Land Use Report" identify a series of commercial nodes along Route 173 which will service the commercial needs of the Village. To the north of the subject site is zoned for commercial and was previously planned for a large power center that included a Target, Lowes and Kohl's. This previous project was abandoned during the downturn, however, Staff still anticipates future commercial development on the subject site.

In addition, this section of Route 173 carries approximately 15,000 vehicles per day and this fact would make the subject site appropriate for commercial development. The character of the subject site is in transition based on current trends. The Village's Comprehensive Plan has identified commercial to the north and residential to the east. However, based on the number of parcels that are for sale on Route 173, Staff believes that there will be an opportunity for the single family homes along Route 173 to be consolidated into one lot and redeveloped. There remains a real question based on the future widening of Route 173 whether residential development is appropriate or desirable.

Based on the Village's Route 173 Design Guidelines, the vast majority of the Route 173 will remain Forest Preserve, business park development, along with residential subdivisions. Staff has identified the area between the existing Grim Road and Deep Lake as constituting the future commercial center of Antioch.



The vast majority of available commercial land is located on the North side of Route 173. Clearly, the trend of development of Route 173 will be new infill commercial development adjacent to the extensive amount of wetlands and Forest Preserve along the corridor. The extensive amount of wetlands along Route 173 provides the Village of Antioch the opportunity to avoid the typical commercial strip development that is so typical in the region. Instead, there is an opportunity to concentrate future commercial development into a series of commercial nodes.

While the Village's Comprehensive Plan identifies the site as open space, Staff believes commercial zoning is appropriate if certain design parameters are followed in the proposed concept to mitigate against any negative impact on the sensitive land surrounding the subject site. In addition, the applicant needs to take certain design efforts to address the Village's adopted "Vision Plan" and the "Route 173 Design Guidelines". Based on the trend of development, commercial development is appropriate for the subject site.

Concept Plan

The applicant has submitted two concept plans for the subject site. At the present time the applicant does not have any end users for the subject site and therefore is submitting several concepts that could work based on the future demand for retail space.

- **Concept A-** Concept A contains two proposed buildings that would contain a total of 63,925 square feet of retail space. The large 51,460 would be large enough for a grocery store or several junior boxes and the stand-alone 12, 465 square feet would be sufficient for a retail center with a casual dining end-cap with drive thru. The applicant is proposing a total of 321 parking space for the total development. The Village's Site Plan Review Ordinance requires three (3) spaces per one thousand (1,000) square feet of retail space or a total of 191 parking spaces. Based o this calculation, staff believes that the proposed concept plan could add additional landscape buffer areas or even a small outlot with a stand- alone building. There appears to be excessive parking on the subject site.
- **Concept B-** Concept B contains a total of 47,708 square feet of commercial space. As envision, there would potentially be a 35, 243 square foot auto dealership and a 12, 465 square foot retail

building with drive-thru. As proposed there would be a total of 401 parking stalls. Based on Staff's calculations, the subject site would only require a total of 143 parking spaces. Again, there appears to be excessive parking on this concept also.

Both concepts incorporate a right of way dedication and 20 foot landscape buffer along Route 173 and a 20 foot landscape buffer along the western perimeter of the subject site. In addition, there is 30 foot buffer adjacent to the existing wetlands that are located along the southern perimeter of the site. It appears that a large portion of the site contains wetlands, so there is an existing natural buffer to the south.

Both concept plans provide some opportunity to be refined with additional landscaping and design interest. While Staff is comfortable with the general lay-out, we would like to explore with the applicant some additional changes and whether some parking can be removed and additional retail space can be added.

Access Points

The applicant's concepts have identified three access points on the subject site. The applicant has shown a full access point on Route 173 along with a proposed right-in/right-out. In addition, there would be a full access point on Lincoln Avenue. Any and all access points on Route 173 would be subject to the review and approval of the Illinois Department of Transportation.

RECOMMENDATION

Based on the foregoing analysis, staff recommends that the Village Board approve the proposed Annexation and terms of the Annexation Agreement.

In addition, Staff is in support of the proposed rezoning to B-3 based on the trend of development, the Special Use for a Planned Unit Development and the Concept Plan.

We move that the Village Board direct the Village Attorney to draft an ordinance approving the Annexation and Annexation Agreement subject to any proposed modifications suggested by Staff or the Village Board.

We move that the Village Board direct the Village Attorney to draft a Special Use Ordinance for a PUD subject to the following stipulations:

- 1. Compliance with the Village Engineer.***
- 2. Compliance with the requirements of the Antioch Fire Protection District.***
- 3. That any future retail development incorporate a unified design relating to architecture, landscaping, lighting fixtures, and signage bases.***

We move that the Village Attorney draft an ordinance that the property be rezoned B-3 (Business Service & Wholesale).

We move that the Village Board approve the concept plans subject to the following stipulations:

- 1. Compliance with the requirements of the Village Engineer.*
- 2. Compliance with the requirements of the Antioch Fire Protection District.*
- 3. That the concepts submitted will require future Site Plan Review approvals and will be subject to the Village's Site Plan Review Ordinance.*