

**VILLAGE OF ANTIOCH**

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**ORDINANCE NO. 17-07-23**

***AN ORDINANCE GRANTING M-1 ZONING FOR KUNES FORD  
(PZB-16-14)***

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

**OF THE**

**VILLAGE OF ANTIOCH, ILLINOIS**

**ON**

**July 10, 2017**

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**Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 12<sup>th</sup> day of July 10, 2017**

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**ORDINANCE NO. 17-07-23**

***AN ORDINANCE GRANTING M-1 ZONING TO KUNES FORD (PZB-16-14 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 April 13, 2017 following notification as required by State Law and Village Ordinance to consider a petition for a Rezoning of a 2.54 acre site to M-1 (Limited Manufacturing District) to allow for the expansion of Kunes Ford.

**WHEREAS**, the Combined Planning Commission recommended approval to the Village Board of the requested rezoning to M-1; 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 M-1 zoning is consistent with the development patterns along Route 173 based on the number of auto dealerships that are located along the corridor 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 10th day of July, 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

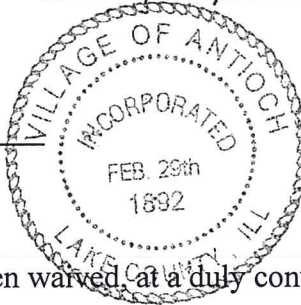
Date: \_\_\_\_\_

7/12/17

**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 July 10<sup>th</sup>, 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 July 10, 2017, the Corporate Authorities of such municipality passed and approved Ordinance No. 17-07-23 which entitled the applicant to rezone the subject property commonly known as 23145 W. Route 173, Antioch, Illinois which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 17-07-23 including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on July 12, 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 12<sup>th</sup> day of July 2017

Paci K. Romulo

Lori K. Romine, Village Clerk



**Exhibit "A" Staff Report**

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**REPORT TO:** VILLAGE PRESIDENT and BOARD OF TRUSTEES  
**FROM:** MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director  
**DATE:** April 13, 2017  
**SUBJECT:** REPORT TO VILLAGE BOARD

**CASE:** Kunes Ford Dealership  
16-14

**REQUEST:** Annexation Agreement (Public Hearing)  
Annexation  
Rezoning  
Special Use  
Site Plan Review

**LOCATION:** 23145 W. Route 173

**APPLICANT:** Kunes Ford

**ZONING:** M-1 (Antioch) and Unincorporated Lake County

### **Background**

The applicant is seeking to annex approximately 2.54 acres into the Village which will allow them to re-develop their auto dealership into a new 11.18-acre site. The expansion of Kunes Ford will include the construction of a new 35,372 square foot show room and service department along with the re-imaging of the existing showroom into a service building. In addition, the applicant is proposing to expand the amount of parking on the subject site by expanding the site an additional 1.50 acres from property that is currently owned by the Village (Boylan) and will be conveyed to the applicant for expansion of this dealership.

The new dealership will mirror the requirements of all new dealerships by the Ford Corporation and will be the first new auto dealership expansion in the Village in many years. The Village's recent adoption of the Economic Development Plan calls for the creation of a new expanded auto row along Route 173. The recent purchase of the Boylan property will allow the Village to work with another auto dealership in the future on an expansion.

The applicant, as part of this application, is not only seeking an annexation of 2.54 acres that is currently located in unincorporated Lake County and is now being used to park vehicles on, but they are also seeking to rezone the subject 2.54 acres to M-1 (Manufacturing-Limited). In addition, they are seeking approval of their Site Plan for the first phase of the project and a Special Use for a Planned Unit Development.

### **Annexation**

The applicant is proposing to annex approximately 2.54 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 on the subject site. The property is contiguous to the Village from the east and north. As highlighted above, the Village's Economic Development Plan calls for the expansion and updating of the existing dealerships along Route 173 and this is the first step in that long-term 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 proposed Annexation Agreement along with a proposed Exhibit C. Staff is taking this opportunity to highlight the major elements of the applicant's Exhibit C which varies from the Village's standard annexation agreement:

**Paragraph H:** -The applicant is seeking the option to modify the Site Plan of their Ford dealership expansion subject to Village Board review and approval.

**Article III-** The Village agrees to rezone the entire site M-1 zoning.

**Article IV-** The terms of this agreement shall govern and control the subject development and if there is any conflict between this agreement and Village ordinances and regulations, this proposed agreement shall be binding on both parties.

**Article VII-** The Village under this provision shall be constructing an off-site retention facility at its expense and will maintain this retention facility at its sole expense. Kunes Ford shall not be responsible for any costs, fees, or expenses related in connection with construction of this regional retention pond or any related improvements.

**Article XII-** The applicant will be paying the applicable tap-on and building fees and other related impact fees as outlined in the Village's standard Annexation agreement.

**Article XIII-** The Village shall reserve an option to purchase the necessary ROW for Grimm Road for the nominal sum of \$1.00 during the period of the terms of the proposed Economic Development Plan which is 25 years. The proposed ROW would be 60 feet. (Staff has identified a ROW requirement of 80 feet, thus requiring a purchase of 40 feet from the developer). Prior to executing the option, the Village shall be obligated to construct the first phase of Grimm Road along the eastern perimeter annexed property. The Village will have no obligation under the terms of this agreement to construct Grimm Road.



**Article XVI**-The applicant is proposing a Sales Tax Incentive Agreement that would potentially rebate the total of \$1,750,000.00 to Kunes Ford over a period of 25 years. The Annexation Agreement is contingent on the approval of this Sales Tax Incentive Agreement. (Staff has prepared a separate Staff Memo for the Sales Tax Agreement).

### **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 immediate area is commercial.

Below is a summary of the surrounding uses:

North:	Commercial	(M-1)
East:	Commercial	(M-1)
South:	Unincorporated	
West:	Commercial	(M-1)

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 proposed Special Use for a PUD is compatible with the surrounding auto dealerships adjacent to the subject site. Across the Street is a Dodge, Jeep and Kia dealerships and to the west is the Raymond Chevrolet dealership. As highlighted above, the long-term plan of the Village of Antioch is to expand the number of dealership and create a new auto row for the community.

The surrounding uses are commercial in nature including an auto body shop and several competitor dealerships. There is nothing to indicate that the expansion of this dealership would have any negative impact on any of the surrounding properties.

*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:*

The proposed expansion of this dealership is compatible with the surrounding dealerships. As highlighted above, there is nothing to indicate that this commercial expansion would have any negative impact on the surrounding commercial uses.

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

The predominant character of this corridor is commercial and the proposed expansion of this dealership is consistent with the surrounding uses. As identified above, there are three adjacent dealerships and the proposed expansion and construction of a new showroom is consistent with the existing uses. In fact, the proposed construction of this new showroom will constitute an improvement to the character of the corridor. Much of the existing dealerships are in older buildings that need updating. The long-term goals of the Village's Economic Development Plan are the re-imaging and updating of each of these existing dealerships with better architecture, lighting and landscaping.

*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 expansion of their dealership will not have any dramatic impact on additional emissions, noise, vibrations, glare, heat, or odors. The proposed 35,372 square foot showroom/service department is consistent with the Village's expansion plans for more commercial along Route 173. The proposed site plan does incorporate additional lighting; however, the applicant has submitted a photometric plan as part of the required Site Plan Review. The proposed additional lighting will not have a negative impact on the character of the Route 173 corridor.

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

There is nothing in this plan that would have a negative impact on the long-term improvement plans for Route 173. The Illinois Department of Transportation has long term improvements for Route 173 that will create a four-lane arterial. The applicant is proposing to maintain the existing access points that are currently located on their subject site, while adding a new access point on the future Grimm Road.

*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. Additionally, there are existing utilities that service the subject site and the expansion of the site will be served by the same utilities.

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

The applicant has submitted proposed elevations for the new showroom and service building which is part of the Site Plan Review. The new elevations and landscaping that is proposed as part of the Site Plan Review will improve the appearance of this dealership and the dealership's presence on Route 173.

## **Rezoning**

The applicant is seeking to rezone the subject property to M-1 (Manufacturing District) from its current R-1 county zoning. The existing 2.54 acres currently incorporates a temporary gravel base and is being

used to store vehicles for the dealership. The applicant is seeking to consolidate these 2.54 acres into their existing dealership which would allow them to construct a new showroom- service department.

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. The subject site contains a number of constraining elements that should be considered when determining whether the proposed M-1 zoning is appropriate. Below is an analysis of the factors that should be considered in determining whether the requested rezoning to M-1 is appropriate for the subject site:

The subject street as highlighted above is located within a commercial area that contains several auto dealerships and an auto body shop. The proposed expansion of this dealership is consistent with the trend of development along the corridor and fits into the commercial character as highlighted above.

Route 173 carries approximately 15,000 vehicles per day and this fact would make the subject site appropriate for an expanded auto dealership. The economic viability of any auto dealership depends on great visibility and traffic counts. The only real appropriate location for a dealership in the Village of Antioch is along Route 173 and Staff anticipates the potential of expanding several existing dealerships or recruiting a new dealership in the future. The vitality of the existing auto dealerships is one of the core anchors of the Village's commercial base. Based on this fact, the proposed rezoning of the subject site is consistent with the Village's land use plans and economic development plans.

As highlighted above, Staff envisions the future expansion of a number of auto dealerships. The Village's land use and Economic Development Plan calls for the creation of a new auto row along Route 173. These existing dealerships continue to serve as a commercial gateway into the Village's core. The construction of a new dealership and expansion of the site provides an opportunity to upgrade the corridor.

The long-term plan is to upgrade the architecture and landscaping along this corridor to create an attractive entrance into the Downtown.

### **Site Plan Review**

The applicant is required to submit a Site Plan for the new construction of a 35,372 square foot showroom and service building. The re-imaging of the existing Kunes dealership will be a second phase of this project and is not part of this site plan review. The applicant is proposing to add an additional 4.0 acres to the subject site and create a new dealership campus of approximately 11.18 acres.

### *Access Points*

The proposed site plan incorporates three access points along Route 173 and two future access points on Grimm Road when that new road is constructed by the Village of Antioch. Currently, the Kunes dealership has two access point on Route 173. The applicant is proposing that the third access point on Route 173 would be removed when Grimm Road is constructed.

- The new access point on Route 173 will have to be approved by the Illinois Department of Transportation. Staff has some concerns and questions whether IDOT will allow three access points on Route 173. Regardless, we believe that the proposed site plan still works with only the two existing access points.
- The subject site plan does not depend on the construction of Grimm Road. As part of the Village purchase of the Boylan property, there is a future plan to re-align a new Grimm Road adjacent to the subject site. The new Grimm Road probably will be constructed by the Village in phases and will ultimately link Route 173 with Route 83. The construction of this new roadway will provide a number of new economic development opportunities for the 50 acre Boylan parcel.

### *Parking*

The applicant is proposing a major expansion of parking for the subject site. Based on the Village's Site Plan Review, the proposed total of 54,975 square feet of showrooms and service department would require a total of 165 parking spaces. The applicant is proposing a total of 826 parking spaces and the vast majority of these spaces would be for inventory. The proposed parking ratio for this site plan is 15 spaces per 1,000 square feet.

The proposed new showroom of 35,845 would require a total of 107 spaces and would require 5 handicapped parking spaces. He applicant will be required to add an additional 3 handicapped parking spaces on the subject site.

### *Architecture*

The applicant has submitted proposed elevations for all four elevations. The Village's Site Plan Review ordinance requires commercial buildings to be constructed with a predominance of quality materials which includes face brick, stone, or glass. The applicant's proposed elevation follows the requirements of the Ford Motor Corporation and incorporates a contemporary style with modern materials.

Staff has verified from Ford Corporation that they have a standard design and the applicant is not in a position to vary from this uniform design as the herewith attached e-mail verifies.

Specifically, the applicant is proposing a combination of metal cladding, metal panels and glass. This proposed elevation mirrors the requirements of the Ford Corporation on creating a standard contemporary look. The applicant is seeking relief from the Village's Site Plan Review ordinance through the Planned Unit Development and proposed Annexation Agreement.

All four elevations will incorporate metal cladding and glass bay doors for the service department. Based on the contemporary design nature, Staff is in support of using non-traditional masonry materials to create a sleek contemporary/modern appearance.

### *Landscaping*

The very nature of any auto dealership emphasizes good visibility of their inventory along any arterial. Therefore, in this case, the critical issue of visibility of the inventory of new vehicles should be balanced with Staff's vision of improving the appearance of Route 173 as one enters the core of the Village. Currently, the appearance of the auto dealers is largely defined by the predominance of utility poles, excessive signage, and the lack of landscaping.



The Village's landscape ordinance requires one (1) shade tree and fifteen (15) shrubs for every 30 feet of linear frontage. The applicant's new site plan incorporates approximately 654 feet which would require a total of 22 trees and 327 shrubs. The applicant is proposing a total of 11 trees and 92 shrubs.

- As part of the Planned Unit Development, Staff would support some relief from the Village's landscape requirement along Route 173. However, we would request the opportunity to work with the applicant's landscape designer to add some additional shrubs and groundcover which would maintain visibility of the showroom and auto inventory, while softening the visual impact of the parking areas and improve the quality of place along Route 173.
- In addition, staff would request an opportunity to work with the landscape designer of the applicant to add some additional ornamental and shade trees along Route 173. Specifically, Staff believes that there is an opportunity to cluster the trees in a series of clusters which would maintain site lines towards the dealership while improving the Route 173 corridor.
- Staff has submitted to the applicant some changes in the proposed landscape plan that would incorporate the following changes; uniform groundcover, incorporating a uniform pattern of shrubs and ornamental trees, similar lighting standards, and signage designs (i.e. monument signs) can have a dramatic impact on the quality of appearance of the Route 173 corridor. The applicant's proposal provides the Village with the opportunity to improve the quality of design along this corridor while also promoting new economic design.

### *Photometrics*

The applicant has submitted a photometric plan for the subject site and Staff is in the process of requesting a number of modifications to the proposed plan. The Village's Site Plan Review ordinance limits foot candle illumination to 0.50 at the property line. The applicant's minimum foot candle illumination level is 1.8 foot candles and the average illumination level is 19.57 foot candles.

#### *Stormwater*

The applicant is working with the Village of Antioch on the construction of a new retention pond that will largely be located on Village property and serve as a regional retention facility for this dealership and future development on the Boylan property. The Village believes that it makes sense to create a regional retention facility for the Boylan property development. By doing so, more property will be available to the applicant for commercial use.

Currently, the Village Engineer, H.R. Green is working on preliminary engineering for the design of this retention facility. It will be the Village's responsibility to design and construct this retention facility. Obviously, the construction of this facility will have to correspond with the construction of this proposed development. Staff and our engineers are working on these details concurrent with the entitlement of this development.

#### **RECOMMENDATION**

Based on the foregoing analysis, staff recommends that that the Village Board approve the Annexation of the subject property as a logical extension of the Village's municipal boundaries. In addition, staff would recommend to that the Village Board approve to M-1 zoning request. Additionally, Staff generally supports the requested Special Use for a Planned Unit Development on the subject site.

In addition, Staff would recommend approval of the proposed Site Plan Review subject to the stipulations outlined in the following motion:

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

***We move that the Village Attorney draft a Special Use for Planned Development Ordinance of the Kunes Ford dealership subject to the following stipulations:***

- 1. Compliance with the Village Engineer.***
- 2. Compliance with the requirements of the Antioch Fire Protection District.***

***We move that the Village Board direct the Village Attorney to draft an ordinance rezoning the property to M-1 (Manufacturing- Limited) zoning.***

***We move that the Village Board approve the Site Plan for Kunes Ford 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. Submittal of revised landscape plan subject to Staff's comments.***
- 4. Submittal of a trash enclosure plan.***