

**VILLAGE OF ANTIOCH**

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**ORDINANCE NO. 17-07-26**

***AN ORDINANCE GRANTING B-3 ZONING FOR SKIPPER BUDS  
(PZB-17-03)***

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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, 2017**

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**ORDINANCE NO. 17-07-26**

***AN ORDINANCE GRANTING B-3 ZONING TO SKIPPER BUDS  
(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 4.22 acre site to B-3 to allow for the expansion of a marina and future development of a commercial development.

**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 based on the number of commercial developments 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.

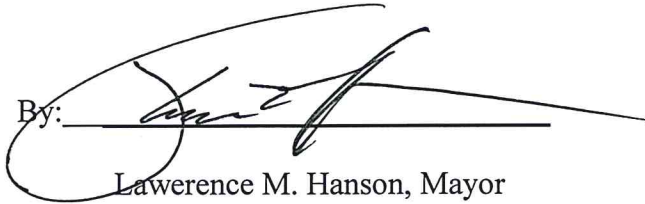
**SECTION VIII:** That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

**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: \_\_\_\_\_

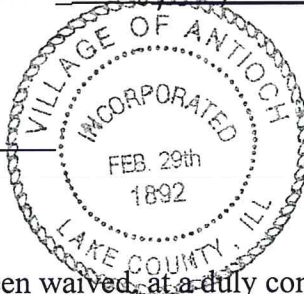
7/12/17

**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)

)

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<sup>th</sup>, 2017, the Corporate Authorities of such municipality passed and approved Ordinance No. 17-07-26 entitled the applicant to rezone the subject property commonly known as 24891 W. Route 173, Antioch, Illinois which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 17-07-26 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

Sari K Romine

Lori K. Romine, Village Clerk



**Exhibit "A" Village Board 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:** June 8, 2017  
**SUBJECT:** REPORT TO VILLAGE BOARD

**CASE:** Skipper Buds  
17-03 AA/RZ/SU/CP

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

**LOCATION:** 24891 W. Route 173  
24965 W. Route 173  
24987 W. Route 173  
25013 W. Route 173

**APPLICANT:** Skipper Bud's

**ZONING:** B-3 (Village of Antioch) and R-1 (Lake County)

### **Background**

This matter was continued from the last PZB meeting based on a number of concerns related to the Rezoning and Concept Plan. Over the past month, Staff and the applicant have attempted to address some of the concerns of commissioners by addressing the future architecture and future landscape buffering.

The applicant is seeking to re-develop the existing marina into a larger facility that would include a new showroom and several new storage buildings. In addition, the applicant is also proposing a concept for commercial at the corner of Route 173 and N. First Avenue. The balance of this site is located within the Village of Antioch and is currently zoned B-3. The applicant is seeking to develop approximately 28.0 acres and annexing and rezoning approximately 4.22 acres.

The applicant is seeking approval of an Annexation, Special Use for PUD, a Rezoning, and Concept. The first phase of this project would be the construction of the new showroom and storage buildings. The second phase would be future commercial development. The applicant will be required to come in with a

Site Plan for approval of the new showroom and storage buildings once they have the final design completed.

### **Annexation**

The applicant is proposing to annex several lots at the corner of N. First Avenue and Route 173 into the Village. These lots are currently adjacent to a single-family neighborhood. The subject site is currently contiguous to the Village of Antioch and is within the Village's planning area. Moreover, the site is located within the Village's Facility Planning Area (FPA) and utilities are located to the east of the subject site. Prior to any new commercial development at the corner of Route 173 and N. First Avenue, utilities would have to be extended. The property to east is owned by the applicant and is currently zoned commercial.

Based on the foregoing analysis and trend of development along Route 173, 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 and Staff is taking this opportunity to highlight Exhibit C.

- 1) The applicant is seeking to waive the provisions in the Village's Standard Annexation Agreement related to park fees, library fees, sanitary oversizing fees, Annexation fees, Traffic Improvement fees, Forestation Fees, or the creation of a Special Dormant Service Area. (Typically, the Village does not charge the following fees for commercial development, they were created for residential developments which would have an impact on the Village)
- 2) The applicant is seeking relief from the Village's standards incorporated in the Site Plan Review Ordinance. They are seeking to construct all metal structures. While Staff supports metal storage buildings, we would be looking for better materials for the showroom.
- 3) Applicant is proposing a 10 foot landscape buffer adjacent to the residents. (Staff would object to this request and request that the buffer be the required 40 feet, especially based on the expressed concerns from the neighbors about this proposed development)
- 4) The applicant is proposing a landscape buffer of 10 feet along Route 173. (Staff is requesting the required 25 feet as per the Village's Site Plan Review Ordinance)
- 5) The applicant is proposing a relief from required 50 foot setback of drive-thru from residential homes with a 10 foot landscape buffer. (Staff would not support relief from this section based on the negative impact that a drive-thru can have on a single family residence.)
- 6) The Village will permit height variation from Village ordinance.
- 7) The Village agrees to permit a special use for a drive thru.
- 8) The Village agrees to a special use for new and used boat sales along with repair, painting, and boat storage.



- 9) The applicant will only be responsible to pay recapture if connections are required and applicable.
- 10) The Village agrees to permit a variance allowing for sign internal sign illumination.

### **Special Use for Planned Unit Development**

When looking at any Special Use request, it is important to look at the surrounding uses so that the proposed use of the subject site is generally in character of the surrounding uses. The character of the immediate area is commercial. 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 surrounding uses and parcels adjacent to the existing marina are in transition. The Skipper Bud's Marina is commercial and the properties that are located to the west of the marina are vacant or residential. There is an existing single family home with a number of mature trees along with a number of vacant lots at the corner of Route 173 and N. First Avenue.

At N. First Avenue, the lots to the north and west are currently zoned commercial. In addition, there is a fuel station to the northwest of these lots at the corner. However, the area to the south is residential and will continue to be residential.

Commercial development of the subject site can be compatible with the residential character of the area to the south if the applicant proceeds with sensitive design that reflects the residential character of the area. There is sufficient buffering between the marina and the existing single-family neighborhood to minimize any negative impact on the single-family homes. The issue is the redevelopment of the southeast corner of Route 173 and N. First Avenue. The lots at this corner are vacant. Any future commercial development should make some efforts to preserve the mature trees and should be designed in a way that is sensitive to the residential character (i.e. buildings with pitched sloped roofs reflecting the single-family homes to the south).

*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 potential expansion of the existing marina is compatible with the existing character of the area. Specifically, as proposed, the new showroom and storage buildings will incorporate an extensive buffer between the marina slips and the single-family neighborhood to the southwest to minimize any negative impact. The parcels being annexed into the Village and being proposed to be developed with commercial development would be compatible if designed properly and incorporate the appropriate landscape buffering with the adjacent residential neighborhood.

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

The character of the surrounding area is in transition. The previous residential character of the area is transitioning into a more commercial character. To the north of the site is a large school facility and the lots adjacent to the corner of N. First Avenue and Route 173 are zoned commercial in the county. Based on the current traffic count on Route 173, Staff does not believe that the corner property of N. First Avenue and Route 173 are appropriate for residential any longer.

The future Site Plan Review that will be required of this development will help maintain the existing character of the area by requiring quality commercial development. It will be important to ensure that any future commercial development of the subject site respect the natural topography of the area and the proximity to the lakes. The site incorporates extensive mature trees and every effort should be made to integrate the trees into any future commercial plan.

- 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:*

There is nothing to reflect that the expansion of the marina or the commercial development of the northwest corner of the subject site would have any negative impact on the air, noise, vibrations, heat, odor, or create any nuisances if the future Site Plan complies with the Village's high standards of design.

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

The proposed expansion of this Marina should not have any dramatic impact on additional traffic on Route 173. This section of Route 173 carries approximately 12,000 vehicles per day and the proposed marina expansion should not have any dramatic impact on increasing traffic. The future Route 173 improvement plans are intended to stop at Route 59 and there are no engineering plans to widen this section of Route 173. However, there may be some required intersection improvements when any future commercial development comes through a site plan review process.

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

The proposed development is currently on a septic field and will continue to be on septic until the Village's utilities are extended to the subject site. Expansion of Skipper Bud's marina should not have any negative impact on wastewater, stormwater or utilities. With the potential of future commercial development on the subject site, there will be a need to extend the utilities to the subject site. Currently, the applicant's engineer is working with the Village's engineer on due diligence on the potential of extending utilities to the subject site.

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

The applicant is simply proposing a concept at this point. In the future, they will be required to submit a Site Plan Review for the proposed marina expansion and any future commercial on the subject property.

## **Rezoning**

The applicant is seeking to rezone the subject property to B-3 (Service and Wholesale Business District) from its current residential zoning in Lake County. The lots that are being proposed to be annexed are residential lots and are adjacent to a residential neighborhood to the south. The character of N. First Avenue is residential and the applicant has submitted a concept plan that would transform the corner of N. First Avenue to commercial.

There was some discussion about rezoning to B-1. The applicant has clarified that they are seeking a uniform zoning with the proposed marina and they strongly believe that a B-3 zoning would allow them to market the commercial property to the development community.

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:	Commercial (County)
East:	Commercial (Antioch)
South:	Residential (County)
West:	Commercial (County)

The requested zoning of the subject property to B-3 is generally consistent with the commercially zoned properties that are located to the east, west and north of the subject area. The area along Route 173 is in transition and is in need of improvements. Based on the trend of development along Route 173, it is clear that residential uses are slowly transitioning to commercial and institutional uses. This zoning transition is reflected by the number of houses that incorporate commercial zoning in unincorporated areas.

The 1991 Comprehensive Plan identifies the subject site as commercial and the proposed expansion of the site to a larger marina is consistent with the current use of the subject site. In addition, as identified above, the areas along Route 173 are slowly transitioning from residential to commercial. The trend of development along Route 173 will continue to attract new commercial development to the corridor.

Consistent with Village policy, strip commercial development should be avoided and commercial development should be focused at intersections and within commercial nodes. In view of the extensive and undulating topography of the area adjacent to Lake Marie, major efforts need to be made to ensure the character of the area by maintaining high standards for future commercial development.

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 if the Village's Site Plan Review Ordinance is followed.

Through the process of good design, extensive landscaping and lighting, any negative externalities on the single family homes to the south can be mitigated against.

### Concept 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. The proposed Concept Plan simply identifies the general location of the buildings that would be located on the subject site.

Generally, a Concept Plan identifies the type of development that will be on the subject property. The general question before the PZB is whether they are generally supportive of a marina and future commercial development on the subject site. The details of any future plans will be reviewed as part of a Site Plan Review application. Specifically, the architectural design, landscaping, lighting, buffering, and engineering all will be reviewed at a later date as part of a Site Plan Review.

As part of the Concept Plan, the applicant is proposing the following improvements to the approximate 28 acres as part of this future development:

- Two 10,000 square boat storage buildings (Phase I)
- A new 8,100 square foot show room with a retention pond. (Phase II)
- A new 28,000 square foot boat storage building. (Phase III)
- Retention expansion (Phase IV)
- Two retail buildings (Phase V)

The applicant is proposing that they maintain their existing full access on Route 173 for this 28.0 acre site and that a new right-in-right out be added to the future retail phase of this project.

- One element that Staff would like to work with the applicant on is that any future Site Plan for the different phases of this project should make every effort to preserve the quality mature trees on the subject site. Any future Site Plan should take into consideration the extensive forestation on the site and the forestation should be integrated into the design of the site.

With respect to the future design of the buildings, again, the applicant is only seeking a Conceptual Review at this time. However, based on the expressed concerns by a number of commissioners, Staff has been working with the applicant on some general architectural design guidelines for future commercial development on the subject site.



The applicant has agreed to develop the subject site in a uniform manner that will incorporate a natural rustic design approach that will fit into the natural setting of the subject site. Specifically, the future showroom would be constructed out a pre-engineered building with fiber cement plank and stone accents on the front elevation. The future showroom would be designed with a Northern Woods motif and incorporate gables and dormers as reflected in the illustration above.

The proposed storage buildings for boats would be pre-engineered metal structures incorporating a series of neutral colors and browns consistent with the illustration above. A band of cultured stone would also be incorporated into these proposed buildings as reflected above in addition to extensive landscaping.

The future commercial retail buildings would also be designed with a uniform design motif and would incorporate a combination of fiber cement plank and stone consistent with the design of the proposed showroom on the subject site. While the applicant is seeking relief from the Village's Site Plan Review Ordinance, in the case at hand, staff believes that the more natural and Northern Woods motif would dictate different types of materials to be used on the subject site.

### ***Buffering***

In addition, as part of a future Site Plan Review, the applicant has agreed to work with staff to ensure that the lots along N. First Avenue would incorporate a large landscape buffer to ensure and mitigate against any negative impact on the single-family homes adjacent to the subject site. The last two lots on N. First Avenue could incorporate a large natural buffer and extensive efforts would be made to preserve the existing number of trees on the subject site.

Again, specific details on future buffering and lighting would be fully reviewed as part of a future Site Plan Review of the future commercial development on the subject site.

### **RECOMMENDATION**

Based on the foregoing analysis, staff recommends that the Village Board approve the proposed Annexation as a logical extension of the Village's municipal boundaries. In addition, staff would recommend to the Village Board to approve the proposed Special Use for a PUD and rezoning of the subject site to B-3 is consistent with the existing character along the corridor and trend of development. The proposed development should not have any negative impact on the surrounding area and is clearly consistent with the trend of development along Route 173.

***We move 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 and 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 requirements of the Village Engineer.***
- 2. Compliance with the Antioch Fire Protection District.***



***We move that that the Village Board direct the Village Attorney to draft an ordinance rezoning the property to B-3 (Business Service & Wholesale).***

***We move that the Village Board approve the Concept Plan for Skipper Buds subject to the following stipulation:***

- 1. Working with Staff on a tree survey and preserving the maximum number of mature trees on site.***
- 2. Incorporate general architectural design guidelines for the subject site which would be incorporated within the future Annexation Agreement.***