

VILLAGE OF ANTIOCH

ORDINANCE NO. 19-02-07

*AN ORDINANCE GRANTING A SPECIAL USE FOR A PLANNED UNIT
DEVELOPMENT FOR ANTIOCH CROSSING
(PZB 18-13)*

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

February 27, 2019

Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 4th day of March, 2019

LAWRENCE M. HANSON	President	JERRY JOHNSON	Trustee
LORI K. ROMINE	Clerk	MARY DOMINIAK	Trustee
ROBERT J. LONG	Attorney	TED POULOS	Trustee
		SCOTT A. PIERCE	Trustee
		ED MACEK	Trustee
		JAY JOZWIAK	Trustee

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(PZB-18-13)***

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 February 22, 2019 following notification as required by State Law and Village Ordinance to consider a petition for a Special Use for a Planned Unit Development for a 2.47 acre commercial development that will contain a 6,500 square foot retail building and a 2,000 square foot stand alone “Dunkin” at the property commonly known as 21947 W. IL. Route 173, Antioch, Illinois.

WHEREAS, the Combined Planning Commission recommended approval to the Village Board to approve a Planned Unit Development for the subject commercial property; and

WHEREAS, the Corporate Authorities have concluded and found that the Special Use, subject to and in conformance with the terms and conditions of this Ordinance, conform to a majority of the required standards as required by ordinance, including; a) The compatibility of the proposed use with the existing and planned uses on abutting 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 surrounding area; c) The proposed use will not change the predominant character of the surrounding area; d) The ability to mitigate adverse and understandable impact to the surrounding area, including, but not limited to the individual impacts, air emissions, noise, vibrations, glare, heat, odors, water pollution, electromagnetic interference and other nuisance effects; e) Amount of traffic generated and capacity and design of roadways and available parking facilities to handle anticipated traffic; f) The effect on infrastructure including water, wastewater, stormwater, utilities, and streets; g) The incorporation and integration of architectural and landscape features to mitigate impacts from the proposed use.

WHEREAS, the Corporate Authorities have concluded and found that the Special Use will further enhance economic development within the Village and promote the general welfare of the Village and the health, safety and welfare of the residents of the Village.

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 Special Use 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”

- A. Compliance with the requirements of the Village Engineer.
- B. Compliance with the requirements of the Antioch Fire Protection District.
- C. Applicant will provide regular maintenance of grounds including removal of refuse, and will include covenants on tenants/owners of buildings on the site to remain responsible for paying for this on an ongoing basis.

SECTION IV: The following exhibits shall be attached to and made a part of this Special Use 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 Special Use Ordinance:

- A. Village Board Staff Report, 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.

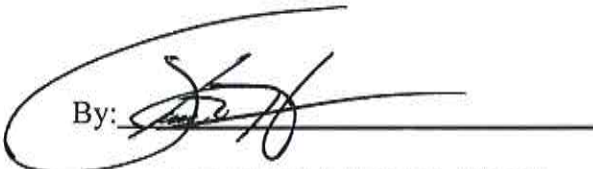
SECTION VII: That the Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form as provided by law.

SECTION 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 27th day of February 2017.

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

APPROVED:

By: 
Lawrence M. Hanson, Mayor

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 27, 2019.

STATE OF ILLINOIS))
COUNTY OF LAKE) SS

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 27, 2019, the Corporate Authorities of such municipality passed and approved Ordinance 19-02-07 entitled “An Ordinance Granting a Special Use for a Planned Unit Development for Antioch Crossing (PZB 18-13)”, allowing the applicant to propose a Planned Unit Development for 2.47 commercial development containing a 6,500 square foot retail building and a 2,000 square foot stand-alone “Dunkin” store which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 19-02-07 including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on March 4, 2019 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 4th day of March, 2019.



Lori K. Romine, Village Clerk



EXHIBIT A

Legal Description

*The West 500 feet of the North 215 feet of the Northwest Quarter
of the Southwest Quarter of Section 15, Township 46 North, Range
10, East of the third Principal Meridian, in Lake County, Illinois*

Commonly known as SEC Deep Lake Rd. & Illinois Route 173

PIN: 02-15-300-023

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REPORT TO: VILLAGE PRESIDENT and BOARD OF TRUSTEES
FROM: MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director
DATE: February 22, 2019
SUBJECT: REPORT TO VILAGE BOARD

CASE: Antioch Crossing (Edelman)
18-13 AA/SU/RZ/SPR

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

LOCATION: Southeast corner of Route 173 and Deep Lake Road

APPLICANT: Bernard Edelman

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

Background

The applicant is proposing to develop approximately 2.47 acres at the southeast corner of Route 173 and Deep Lake Road into a commercial development. The subject site is currently vacant and located in unincorporated Lake County. The applicant is proposing the development of a 6,500 square foot retail center a 2,000 square foot stand alone "Dunkin" store.

The applicant is proposing an Annexation, Rezoning, Special Use for Planned Unit Development and Site Plan Review. The subject development will be part of the Village's proposed "Business District" which is scheduled to be approved by the Village Board on February 27, 2019 at a "special meeting". A public hearing on the applicant's proposed "annexation agreement" is scheduled for the same date.

Annexation

The applicant is proposing to annex 2.47 acres into the Village. The subject site is currently zoned "Agriculture" in Lake County and is contiguous to the Village to the north. Village utilities are adjacent to

the subject site to the west and the Village's Comprehensive Plan identifies this property as being located within the Village's planning area. In addition, the Village's Comprehensive Plan identifies the property as commercial property. The subject site is located within the Village's "Facility Planning Area".

Based on the foregoing analysis and trend of development along Route 173, staff believes that the proposed annexation is a logical extension of the Village's municipal boundaries.

Annexation Agreement

The applicant has submitted the Villages Standard Annexation and an Attachment for the Village's Boards review and consideration. Below is a summary of the most applicable provisions of the attachment:

- Paragraph 5: The applicant will be responsible for expanding the FPA to include the subject site.
- Paragraph 6: To develop the subject site, a force main extension will have to be completed at the costs of \$300,000.00 and the Village agrees to use funds from the newly created Business District to reimburse the applicant for the costs. The pay-back of the \$300,000.00 will be over six years at \$50,000.00 per year based on 100% occupancy of the tenants in the subject building. If there are any store vacancies, the payment will be pro-rated based on the existing occupancy rates.
- Paragraph 7: Payment back to the developer over six years will be premised on 100% occupancy of the retail space. Any vacancies of the retail space will result in a pro rata deduction of the \$50,000.00 annual payment to the applicant as a reimbursement of for his upfront costs in extending the force main.

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 to the north and west 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 proposed development is located at an important corner of Route 173 and Deep Lake Road and the Village's Comprehensive Plan identifies the site as a commercial node. Commercial development has been approved for the site to the north and the northwest and southwest corners contain commercial development (Aldi and GLP commercial development). The applicant has made extensive efforts to incorporate a landscape buffer to the south and east in order to blend in with the existing open lands that are located to the south and east of this proposed development.

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 commercial development is compatible with the commercial development that currently exists to the east of this site. The intersection of Route 173 and Deep Lake will continue to serve as a major commercial node within the Village. Consistent with good planning, the Village's Comprehensive Plan discourages commercial strip development and encourages development to be located at major nodes. This proposed development complies with the Village's long-term goal of locating commercial development at major intersections.

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

The applicant has gone to extensive lengths to respect the natural open space areas to the south and east of this proposed commercial development by incorporating a buffer. The proposed development incorporates extensive landscaping and earth tone quality materials which will maintain the quality of the corridor.

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 this proposed development will 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:

Based on the size of this project, Staff did not require a traffic study. The proposed development will not have a dramatic impact on the pattern of traffic along Route 173 and Deep Lake Road. The applicant is proposing a right-in/right-out on Deep Lake Road which was previously approved by IDOT and will maintain the current flow of traffic on Deep Lake. The current traffic volume on Route 173 will not be dramatically impacted by the proposed 6,500 square foot of retail and a 2,000 stand-alone "Dunkin" store.

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

The proposed development will have no substantial impact on the Village's water, sanitary and wastewater capacity. The Village is working with the developer to extend a force main for sanitary waste for the subject site.

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

The applicant has worked with Staff to create an attractive unified commercial development that integrates the Village's various design standards.

Rezoning

The applicant is seeking to rezone the subject property to B-3 (Service and Wholesale Business District) from its agricultural zoning in the county. The Village's default zoning is RE-1 and the applicant is requesting that this commercial development be zoned B-3.

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 (Village)
East:	Open Space (County)
South:	Residential (County)
West:	Commercial (Village)

The proposed B-3 zoning is generally consistent with the commercial zoning of the commercial development on the south side of Route 173 and west of Deep Lake Road. The Aldi's and Buehler commercial development are zoned B-3, while the GLP development (Wal-Mart and Menards) is zoned B-2 PUD.

As highlighted above, the Village's recently adopted the Comprehensive Plan identifies the subject property as commercial. The subject corner is appropriate for commercial development based on the existing volume of traffic along Route 173 and Deep Lake Road.

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 surrounding open space can be mitigated.

Site Plan Review

The applicant is proposing to construct a 6,500 square foot retail building and a 2,000 square foot stand-alone "Dunkin" store on approximately 2.47 acres. The applicant is seeking relief from some of the Village's landscape buffer requirements along Route 173 and Deep Lake Roads due to the limited size of the subject site. The subject site would contain one drive thru for the Dunkin store.

Access & Parking

The applicant is proposing a right-in/right-out on Deep Lake Road and a Left-in, right-in/right-out on Route 173. It appears that the applicant has IDOT permits for both access points.

The Village's Site Plan Review ordinance requires 5 spaces per 1,000 square feet for fast food/casual dining and 3 spaces per 1,000 for retail space. Based on the foregoing analysis, the proposed fast food/casual dining would require a total of 35 spaces and the 1,500 square foot retail store would require a total of 5 spaces.

The subject site contains a total of 55 parking spaces including 3 handicapped spaces. The drive-thru for Dunkin provides enough stacking for 9 vehicles. Based on the Village's Site Plan Review Ordinance, a total of 5 spaces of stacking is required. In addition, applicant's site plan meets the requirements with respect to parking stall dimensions and access drive widths.

Additionally, the Site Plan Review Ordinance requires one landscape island for every 12 parking spaces and it appears that the applicants site plan meets this requirement.

Drive-Thu Lane

The applicant has submitted a revised site pan that shows a drive-thru and pass-through lane for the "Dunkin" store. The drive-through identifies stacking for nine (9) vehicles and the Village's ordinance requires space for five (5) stacked vehicles.

- Currently, no fire lane is provided at the rear of the proposed retail building. The Antioch Fire Protection District may request the construction of a fire lane along the southern elevation.

Architecture

The Village's Site Plan Review ordinance requires that applicants construct their buildings with quality materials that may include brick, stone, or glass. In addition, because this is a proposed Planned Unit Development, Staff has been working with the applicant to incorporate unifying architectural elements that will unify the development together.

The applicant's proposed 6,500 square foot retail center incorporates a predominance of face brick on all four elevations with accents of fiber cement board and EIFS within the sign band. The applicant has incorporated a building of a predominance of face brick with a series of aluminum store front windows facing Route 173.

Staff has been working with the applicant on a revised "Dunkin" store which would incorporate a predominance of face brick on all four elevations along with accents of fiber cement board for accent materials and band boards. The Dunkin is proposing a series of aluminum store front windows facing Route 173 and on the western elevation.

- Staff has been working with the applicant on revised elevation to incorporate more face brick on the front elevation facing Route 173. The applicant is proposing a combination of face brick and fiber cement board on the eastern elevation more consistent with the new "Dunkin" prototypical store design.

In addition, the Village's Site Plan Review Ordinance requires articulation along the roof-line for all commercial buildings in order to avoid the creation of monotonous structures that damage the Village's sense of place. Based on the comments of Staff, the applicant is proposing a more defined cornice line on the proposed 6,500 square foot commercial building.

Landscape Plan

The applicant is proposing to clear the subject site of the current grove of trees. The applicant has identified that the trees are all "scrap" trees; but has not provided any type of tree survey. Based on the location of these trees, it would be difficult to proceed with this development and save a substantial number of trees on the subject site.

The applicant has submitted a revised landscape plan that well exceeds the Village's minimum requirements. Based on the comments from the PZB, the applicant has been requested to make the following landscape modification:

- The applicant should widen the landscape buffer south of the "Dunkin" drive-thru in order to provide enough green space for the planting of clusters of evergreens and shade trees which will provide a better buffer for the single-family home to the south. Specifically, the screen should constitute a 100% natural screen between the properties.

Photometric Plan

The applicant has submitted a photometric plan and Staff has had an opportunity to review the plan. The Village's Site Plan Review ordinance requires a maximum foot candle illumination level of 0.50 at the property line. The applicant's photometric plan conforms with this requirement. The applicant has submitted a lighting specification that conforms with the Village's ordinance.

- Staff would request that any lighting standard and box fixture incorporate a bronze color which will blend in with the proposed development.

Stormwater Management

Pursuant to a previous agreement, the stormwater for this site will release into the existing stormwater system at the GLP development to the northwest of this site. The applicant had made previously arrangements with the developer of the Wal Mart development to handle the stormwater for this site.

Mechanicals and Meters

Based on Village ordinance, all mechanicals and meters must be screened 100% from view

- *Any meter on the subject buildings should be enclosed or painted with an earth tone color.*

Wetlands

The applicant is surrounded by wetlands to the east and south. Based on this fact, an extensive wetland buffer has been incorporated along the eastern perimeter of the site with natural plantings.

Trash Enclosures

The applicant has not submitted a trash enclosure plan. Village Ordinance requires that all trash enclosures be constructed with the material that predominates on the main buildings within the development. In the case at hand, the trash enclosures will have to be constructed with face brick.

- In addition, Staff is requesting that the trash enclosure along the eastern perimeter of the site be shifted to the south of the site, just east of the entrance of the proposed entrance for the “Dunkin” drive-thru.

RECOMMENDATION

Based on the foregoing analysis, Staff would make the following recommendations:

We move that the PZB recommend approval of the proposed annexation into the Village of Antioch as a logical extension of the Village’s municipal boundaries.

We move that the PZB recommend approval of the Special Use for a Planned Unit Development for the subject site.

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

We move that that the PZB recommend approval of the requested B-3 zoning for the subject site.

We move that the PZB recommend approval of the Site Plan for the “retail building” and “Dunkin” store 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 a revised landscape plan as per the modifications outlined by Staff.***
- 4. The trash enclosures should be constructed with face brick and relocation of the trash enclosure adjacent to Route 173.***
- 5. All lighting standards and box fixtures should incorporate a brown/ bronze tint that will match the earth tone of the proposed buildings.***
- 6. All mechanicals and meters shall be fully screened and any meter on the building should be fully enclosed or painted an earth tone color that matches the brick color.***