

**VILLAGE OF ANTIOCH**

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**ORDINANCE NO. 20-10-34**

***AN ORDINANCE GRANTING B-2 ZONING FOR THE PROPERTIES COMMONLY  
KNOWN AS 41062 N. IL ROUTE 83, 41074 N. IL ROUTE 83, and 23512 W. BEACH  
GROVE ROAD, ANTIOCH, ILLINOIS  
(PZB 20-03 AA/RZ)***

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

**OF THE**

**VILLAGE OF ANTIOCH, ILLINOIS**

**ON**

**OCTOBER 12, 2020**

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**Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 13<sup>th</sup> day of October 2020**

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LAWRENCE M. HANSON

**President**

JERRY JOHNSON

**Trustee**

LORI K. ROMINE

**Clerk**

MARY DOMINIAK

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**Trustee**

**ORDINANCE NO. 20-10-34**

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KNOWN AS 41062 N. IL ROUTE 83, 41074 N. IL ROUTE 83, and 23512 W. BEACH  
GROVE ROAD, ANTIOCH, ILLINOIS  
(PZB 20-03 AA/RZ)***

**WHEREAS**, pursuant to Chapter 15 of Title 10 of the Antioch Village Code, a public hearing was commenced by the Combined Planning Commission and Zoning Board on August 13, 2020 following notification as required by State Law and Village Ordinance to consider a petition for a Rezoning of three (3) parcels to B-2 to allow for future commercial development on the sites.

**WHEREAS**, the Combined Planning Commission recommended approval to the Village Board of the requested rezoning to B-2; and

**WHEREAS**, the Corporate Authorities have concluded and found that the Rezoning, subject to and in conformance with the following findings of facts; a) The amendment promotes the public health, safety, comfort, convenience and general welfare, and complies with the policies and official plans of the Village; and b) The trend of development in the area of the subject property is consistent with the requested amendment; and c) The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classifications; d) The property cannot yield a reasonable use if permitted only under the conditions allowed under the existing zoning classifications; and e) The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

**WHEREAS**, the Corporate Authorities have concluded that the proposed B-2 zoning is consistent with the development patterns along Route 83 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. Village Board Staff Report

**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 12<sup>th</sup> day of October 2020.

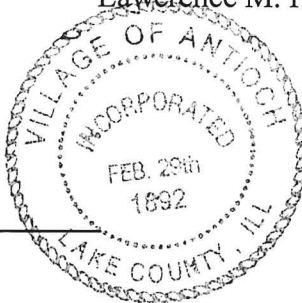
	Ayes:	Nays:	Absent/Abstain:
Scott A. Pierce	X		
Daniel Yost	X		
Ted Poulos	X		
Ed Macek	X		
Mary Dominiak	X		
Jerry Johnson	X		

**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 October 12, 2020.

STATE OF ILLINOIS)

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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 October 12, 2020, the Corporate Authorities of such municipality passed and approved Ordinance No. 20-10-34 entitled “An Ordinance Granting B-2 Zoning for the properties commonly known as 41062 N IL Route 83, 41074 N IL Route 83 and 23512 W Beach Grove Road in Antioch, IL (PZB 20-03 AA/RZ)” which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 20-10-34 including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on October 12, 2020, 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 13<sup>th</sup> day of October 2020

Pari K Remino

Lori K. Romine, Village Clerk





**REPORT TO:** VILLAGE PRESIDENT and BOARD OF TRUSTEES  
**FROM:** MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director  
**DATE:** October 7, 2020  
**SUBJECT:** REPORT TO VILLAGE BOARD

**CASE:** Dupree Motel Annexation  
20-03

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

**LOCATION:** 41062 and 41074 N. Route 83, 23512 Beach Grove Road, Antioch

**APPLICANT:** James Glenn and Mary Taylor Declaration of Trust

**ZONING:** (Lake County Zoning)

**COMPREHENSIVE PLAN:** Commercial

### **Background**

The applicants are seeking to annex and commercially rezone two (2) parcels of unincorporated land located at 41062 and 41074 N. Route 83. One parcel is approximately 0.50 of an acre and contains the Dupree Motel. The other parcel is approximately 0.45 of an acre and contains a small commercial building. Both properties are in unincorporated Lake County and are contiguous to Village of Antioch.

The subject site is currently commercial in the county and the applicant is seeking to annex and rezone the properties within the Village of Antioch. The applicant's goal is to eventually consolidate the two lots and market them as one larger lot for future commercial development. Any future development on these two lots will require platting and a future site plan. At the present time, there is no end-users for these commercial lots.



## Annexation

Both parcels are contiguous to property located within the Village's municipal boundaries. The Tobias property located to the east of the subject sites provides contiguity to the subject parcels. Currently, municipal utilities are located to the north of the property and the parcels are located within the Village's planning area as outlined in the Village's Comprehensive Plan.

Based on the foregoing and trend of development along the Route 83 corridor, Staff believes that the proposed annexation is a logical extension of the Village's municipal boundaries.

## Annexation Agreement

The Village's Standard Annexation Agreement has been submitted along with a proposed "Exhibit C" which is attached. Staff is taking this opportunity to summarize Exhibit C:

1. The developer shall be allowed to maintain the existing buildings as constructed or demolish and rebuild new structures and develop the property **with additional buildings consistent with all applicable village codes and ordinances.**
2. The applicant is seeking waivers in Park and School, Library, Annexation, Forestation fees and the architectural design provisions for residential developments. The highlighted fees are typically not charged for commercial projects in the Village.

## Rezoning

When looking at any Rezoning 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. In accordance with Section 10-2-11, any proposed Rezoning must comply with five (5) findings of facts that are outlined in this section of the Zoning Ordinance. The required findings of facts are as follows:

### Analysis

- a) *The amendment promotes the public health, safety, comfort, convenience and general welfare, and complies with the policies and official plans of the Village; and*

The proposed rezoning of the subject site to B-2 commercial zoning complies with the Village's Comprehensive Plan and general commercial character of the Route 83 corridor. The properties surrounding the subject site are commercial, including the both parcels being proposed to be annexed and rezoned to B-2 zoning.

- b) *The trend of development in the area of the subject property is consistent with the requested amendments; and*

The continued trend of development along Route 83 is commercial. Over the past several years, several new commercial developments have been constructed including Tractor Supply and Fire Guys Tinting. The

applicant is seeking to rezone the subject properties to B-2 zoning and is seeking a developer to redevelop both parcels into a new commercial development.

- c) *The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classifications; and*

The requested B-2 zoning will allow for future commercial uses that are consistent with the commercial character of the Route 83 corridor. As highlighted in the Comprehensive Plan, Staff is continuing to plan for the redevelopment and revitalization of the Route 83 corridor. Much of the existing commercial development along the corridor is obsolete and in drastic need of redevelopment.

- d) *The property cannot yield a reasonable use if permitted only under the conditions allowed under the existing zoning classifications; and*

The current use of the existing parcels contains obsolete uses that are not consistent with the highest and best use of the applicant's property. The existing motel does not reflect the current trends in the hospitality industry and needs redevelopment.

- e) *The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.*

The rezoning of the subject site will allow the properties to be consolidated and marketed for future commercial development. The sizes of the existing lots will make commercial development more challenging and the consolidation of the lots into one larger lot will provide more commercial opportunities.

### **RECOMMENDATION**

Based on the foregoing analysis, the proposed annexation is a logical extension of the Village's municipal boundaries.

In addition, the proposed rezoning of the subject site to B-2 zoning is consistent with the trend of development along Route 83 corridor and the existing commercial character of the corridor.

Based on the foregoing, Staff would make the following recommendation.

***The Planning and Zoning Commission recommended approval by the Village Board of the Annexation and Annexation Agreement Ordinance for the properties commonly known as 41062 and 41074 N. Route 83, 23512 Beach Grove Roads to the Village Board.***

***The Planning and Zoning Commission recommended approval of the Rezoning Ordinance to B-2 for the properties commonly known as 41062 and 41074 N. Route 83 and 23512 Beach Grove Road.***