

VILLAGE OF ANTIOCH

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ORDINANCE NO. 21-03-07

*AN ORDINANCE GRANTING R-3 ZONING TO THE PROPERTY KNOWN AS THE "FOX  
PARCEL" LOCATED ON ANITA AVENUE  
(PZB 21-01 RZ)*

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ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

MARCH 8<sup>th</sup>, 2021

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Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 9<sup>th</sup> day of March, 2021

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**ORDINANCE NO. 21-03-07**

***AN ORDINANCE GRANTING R-3 ZONING TO THE PROPERTY KNOWN AS THE "FOX PARCEL" LOCATED ON ANITA AVENUE (PZB 21-01 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 February 11<sup>th</sup>, 2021 following notification as required by State Law and Village Ordinance to consider a petition for a Rezoning of a 1.86 parcel located on the west side of Anita Avenue, north of Depot Street and Property Identification Number: 02-082-010-79 to rezone the property from "Open Space" to R-3" Townhome/Multi-Family zoning; and

***WHEREAS***, the applicant purchased the property when it was zoned M-1 and the property was inadvertently rezoned in 2011 to "Open Space" which makes the property unbuildable; and

***WHEREAS***, based on the current zoning, the property cannot be developed, regardless of the fact that the applicant purchased the property with the intent to develop the parcel and the fact that the property is buildable; and

***WHEREAS***, the Combined Planning Commission recommended approval to the Village Board of the requested rezoning to R-3; and

***WHEREAS***, the Corporate Authorities have concluded and found that the Rezoning of the property is appropriate under these particular circumstances, 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 R-3 zoning is consistent with the development patterns along Anita Avenue based on the number of townhomes and multi-family units in the subject area;

***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:

Lot 5 (except the South 200.0 feet of Lot 5 as measured along the East line thereof) and all of Lot 6 in Sequoit Industrial Park, being a subdivision of part of Section 8, Township 46 North, Range 10 East of the Third Principal Meridian, according to the Plat thereof, recorded November 13, 1990 as Document No. 1962212, in Lake County, Illinois.

**SECTION III:** That, subject to the conditions stated below, the Rezoning of the Subject Property to R-3 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 8<sup>th</sup> day of March 2021**

**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 March 8, 2021.





Trustees  
Mary C. Dominiak  
Jerry T. Johnson  
Ed Macek



Trustees  
Mary J. Pedersen  
Scott A. Pierce  
Ted P. Poulos

**Lawrence M. Hanson, Mayor**  
Lori K. Romine, Village Clerk

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**REPORT TO:** VILLAGE PRESIDENT and BOARD OF TRUSTEES  
**FROM:** MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director  
**DATE:** March 1, 2021  
**SUBJECT:** REPORT TO PZB

**CASE:** Fox Rezoning  
21-01

**REQUEST:** Rezoning

**LOCATION:** Anita Avenue, North of Depot Street  
02-082-010-79

**APPLICANT:** Craig Fox

**ZONING:** Open Space

**COMPREHENSIVE PLAN:** Village Residential

### Background

The owner owns a 1.86-acre vacant parcel on Anita Avenue, adjacent to the creek and Village owned property. The site was rezoned to open space by the Village inadvertently in 2011 through a comprehensive map amendment based on the false understanding that the property was all wetlands. The owner of the subject property purchased the site when it was originally zoned for manufacturing. The site is adjacent to wetlands to the west, however, it appears that based on the Village Engineer's preliminary review of the parcel, that the majority of the parcel is buildable.

Currently, the site is for sale and the owner has expressed an interest in selling it for multi-family development based on the surrounding multifamily uses. Based on this fact, the owner is requesting the property be rezoned to R-3 (Townhome/multifamily zoning).

### 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 R-3 is consistent with the Village's Comprehensive Plan which identifies the site for "Village Residential". Village Residential areas are appropriate for multi-family, townhomes and mixed- use housing. Based on the surrounding R-3 uses and the character of the area, there is nothing to reflect that the use of the property for multi-family would have a negative impact on the public health, safety, comfort, convenience, and general welfare of surrounding uses.

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

The subject site is adjacent to Anita Terrace and several other multi-family units along Anita Avenue. Clearly, an additional multi-family building or townhomes on the subject site would not have a negative impact on the character of the area. To the west is wetlands and a multi-family structure if designed properly could integrate quite well into the existing neighborhood character of the area.

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

The requested R-3 zoning provides the owner with the opportunity to use his property, versus the current "open space" zoning. Village policy is to afford property owners the legal right to use their properties based on the appropriate zoning and approved plans of the Village. Allowing the owner to rezone the subject site to R-3 zoning would provide them the highest and best use of the subject parcel.

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

The current zoning of the subject site prohibits the owner from using his parcel in anyway and denies him the opportunity to use the site for future development. Since it appears the site is buildable; the owner has the right to use the property for an appropriate use.

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

As highlighted above, the use of the parcel for a single multi-family building or townhomes would not have a negative impact on the character of the subject area. Rezoning the site will not alter the existing character of the neighborhood, subject to the owner adhering to the Village's site plan and development standards.

## RECOMMENDATION

Based on the above analysis, there is nothing to indicate that the rezoning of this parcel to R-3 zoning will have a negative impact on the adjacent parcels. Accordingly, Staff would make the following motion:

***We move that the Village Board approve the herewith Rezoning Ordinance for the subject property zoning it from "Open Space" to "R-3" Townhome/Multi-Family Zoning.***