Request For Board Action

REFERRED TO BOARD: July 10, 2017 **AGENDA ITEM NO: 14-15**

ORIGINATING DEPARTMENT: Community Development

SUBJECT: Consideration of an Annexation and Rezoning for a Tractor Supply Store located at the northwest corner of Route 83 and Grimm Road.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Combined Planning Commission and Zoning Board conducted a public meeting on June 8, 2017 on the Village's petition for Annexation and Rezoning to B-3 of a 3.7 acre site at the northwest corner of Grimm Road and Route 83. The PZB heard testimony be Staff that the Village was under contract to Annex and Rezone the subject site for future commercial use. The Village is under contract with R.A. Wilson who is planning to construct a Tractor Supply Store at the subject site.

Staff reviewed the required findings of fact for an Annexation and Rezoning. Specifically, Staff outlined that the proposed commercial use of the subject site and provided the PZB with a concept of the proposed use. The applicant will be required to proceed with a Site Plan Review before the PZB and Village Board.

The Planning Commission recommended approval of the Annexation and Rezoning to B-3 by a vote of 5-0.

FINANCIAL IMPACT: None

DOCUMENTS ATTACHED:

1. Staff Report
2. Annexation and Rezoning Ordinance
3. Conceptual Drawings

RECOMMENDED MOTION:

We move that the Village Board approve the herewith attached Annexation Ordinance for the subjected 3.7 acres located at the northwest corner of Route 83 and Grimm Road, waiving the second reading.

We move that the Village Board approve the herewith attached Rezoning Ordinance to B-3 zoning for the subject site, waiving the second reading.

VILLAGE OF ANTIOCH

AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE VILLAGE OF ANTIOCH

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

July 10, 2017

Published in pamphlet form by authority of the Village Board of the Village of Antioch, Lake County, Illinois, this 10th day of July 2017

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

ORDINANCE NO.

AN ORDINANCE ANNEXING CERTAIN PROPERTY INTO THE VILLAGE OF ANTIOCH

WHEREAS, the Village of Antioch ("Petitioner") is the record owner of a parcel of real property commonly known as 23360 W. Grimm Road, Antioch, Illinois in unincorporated Antioch Township, which property is currently contiguous to property within the Village of Antioch, but is not currently part of the Village, and

WHEREAS, the subject property is legally described as set forth on Exhibit A hereto, and

WHEREAS, the Village has recently submitted petitions in proper form to the Village Board of Trustees, for the annexation of the subject property, and

WHEREAS, the legal notice involving the petitions was duly published and notice properly given to all adjoining and abutting property owners as required by the Illinois Municipal Code and by the Antioch Municipal Code, and

WHEREAS, the Village Board duly convened a public hearing and a public meeting, during which evidence was presented and considered, and

WHEREAS, the subject property is located in an area that is commercial in nature, consistent with the Village's B-3 (Business Service and Wholesale District), and is consistent with the existing commercial zoning of properties along the Route 83 corridor.

WHEREAS, the Petitioner seeks to annex its property and have it designated as being within the Village's B-3 (Business Service and Wholesale District) consistent with the Village's land use policies;

WHEREAS, the Village Board does find as follows:

a) that the petitions are well-taken;

b) that they meet all the necessary prerequisites imposed by the Illinois Municipal Code and the Zoning Code of the Village of Antioch;

c) that the annexation of the property is consistent with the Village's comprehensive plan and will materially benefit the logical and orderly growth of the Village of Antioch;

d) that the proposed intended use is compatible with the adjoining properties;

e) that the primarily commercial nature of the property as described in the petition and proposed annexation will be consistent with the commercial character of the surrounding properties and promote economic development in the Village;

NOW THEREFORE, BE IT ORDAINED by the Village of Antioch, Lake County, Illinois, as follows:

SECTION ONE: The property legally described in Exhibit A hereto be and is hereby annexed into and made a part of the territory of the Village of Antioch;

SECTION TWO: The property legally described in Exhibit A hereto be and is hereby classified as being within the B-3 zoning district;

SECTION THREE: The Village will proceed with recording the required Plat of Annexation, together with any and all such miscellaneous expenses as are required by the Municipal Code of Antioch;

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS, ON THIS 10th day of July, 2017.

AYES:
NAYS:
ABSENT:

_____
LAWRENCE M. HANSON, MAYOR

ATTEST:

_____
LORI K. ROMINE, VILLAGE CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

CERTIFICATE

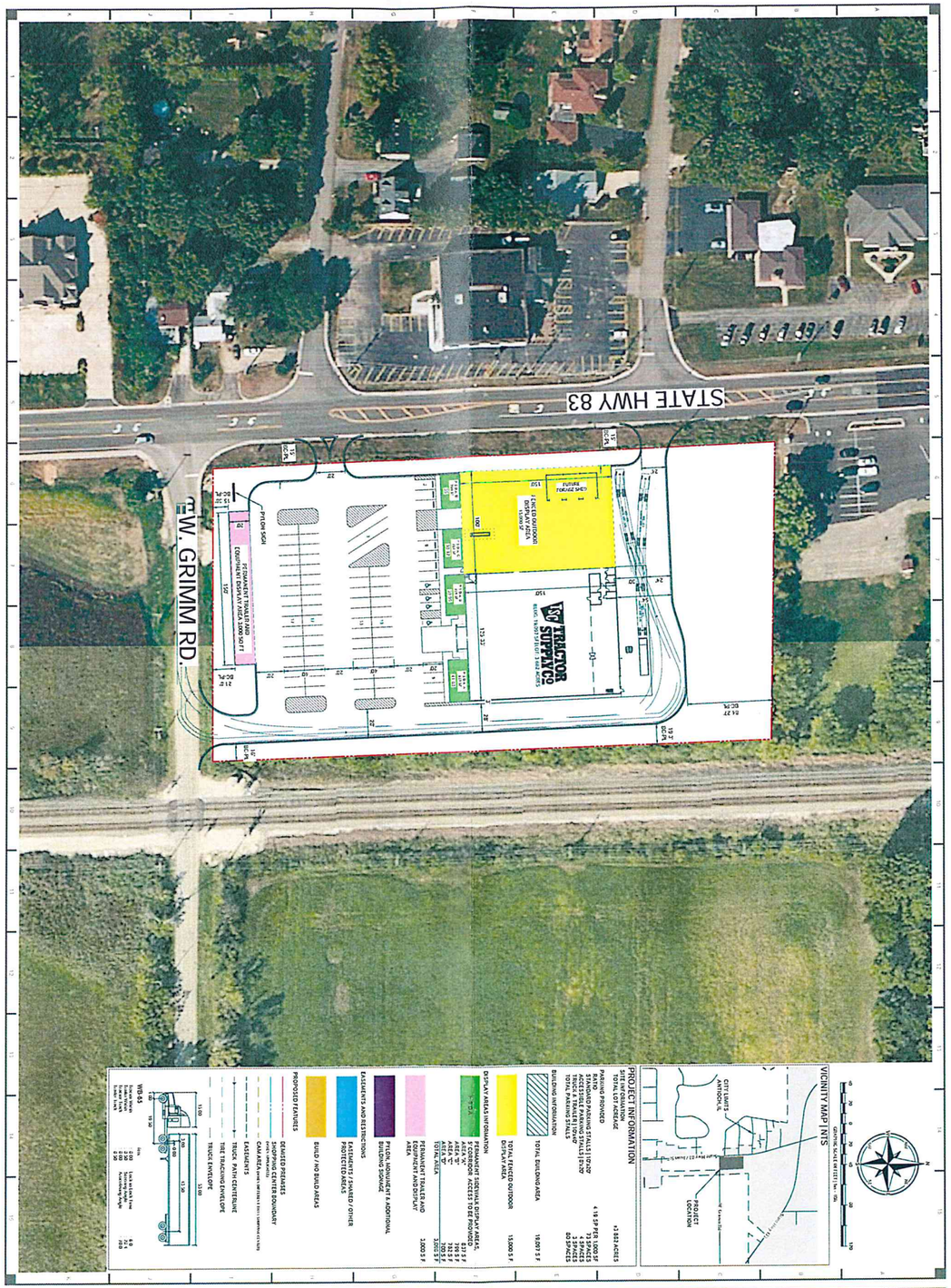
I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on July 10th, 2017, the Corporate Authorities of such municipality passed and approved **Ordinance NO:** _____, entitled *"AN ORDINANCE ANNEXING CERTAIN PROPERTY INTO THE VILLAGE OF ANTIOCH* " which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No.** _____, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on July _____ 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 10th day of July 2017.

_____
Lori K. Romine, Village Clerk



PRELIMINARY SITE PLAN

NEW COMMERCIAL DEVELOPMENT
R.A. WILSON ENTERPRISES, LLC
STATE HWY 83 AND GRIMM ROAD
ANTIOCH, ILLINOIS

Ozark Civil Engineering Inc.
3214 N.W. AVIGNON WAY, SUITE 4
BENTONVILLE, AR 72712
479.464.8850 | OFFICE 479.464.9040 | FAX

TRACTOR SUPPLY COMPANY

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VILLAGE OF ANTIOCH

ORDINANCE NO.

AN ORDINANCE GRANTING B-3 ZONING FOR TSC
(PZB-17-05)

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

July 10, 2017

Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this _____ day of July, 2017

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

ORDINANCE

AN ORDINANCE GRANTING B-3 ZONING TO TSC
(17-05 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 June 8th, 2017 following notification as required by State Law and Village Ordinance to consider a petition for a Rezoning of a 3.7 acre site to B-3 to allow for the construction of a retail store on the subject site; and

WHEREAS, the Village of Antioch is the Petitioner in this matter, as it is the owner of record of the subject property as well as the contract seller thereof, and

WHEREAS, the Combined Planning Commission recommended approval to the Village Board of the requested rezoning of the subject property 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; and 4) the proposed rezoning of the subject property is consistent with the trend of development along the Route 173 corridor; and

WHEREAS, the Corporate Authorities have concluded that the proposed B-3 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, in its respective capacities as the jurisdictional municipal entity, Petitioner and Owner, and upon its successors, and assigns at such time as this Ordinance is adopted by the Village Board of Trustees of the Village of Antioch and signed by the Mayor thereof.

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

Ayes: **Nays:** **Absent/Abstain:**

Scott A. Pierce
Jay Jozwiak
Ted Poulos
Ed Macek
Mary Dominiak
Jerry Johnson

APPROVED:

By:_____

Lawerence M. Hanson, Mayor

Date: _____

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 10th, 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 10th, 2017, the Corporate Authorities of such municipality passed and approved Ordinance _____, entitled the applicant to rezone the subject property commonly known as 23360 W. Grimm Road, Antioch, Illinois which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on July _____, 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 _____ day of July 2017

_____

Lori K. Romine, Village Clerk

REPORT TO:	**VILLAGE PRESIDENT and BOARD OF TRUSTEES**
FROM:	**MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director**
DATE:	**July 6, 2017**
SUBJECT:	**REPORT TO VILLAGE BOARD**
CASE:	Tractor Supply Company 17-05
REQUEST:	Annexation (Public Hearing) Rezoning
LOCATION:	Northeast corner of Grimm Road and Route 83
APPLICANT:	Village
ZONING:	R-1 (Lake County)

Background

The Village is under contract to sell 3.7 acres of the Boylan development to Tractor Supply Company (TSC) and part of the contract, we are obligated to annex and rezone the subject site. The subject site is located the northeast corner of Grimm Road and Route 83. TSC has plans to construct a new 19,000 square foot retail building.

The subject property is current vacant and is part of the 50 acre Boylan parcel that the Village purchased in 2016. The site is adjacent to Route 83 on the west and the Canadian National Railroad on the east. TSC has requested as part of the proposed contract with the Village that the property be zoned B-3 (Highway Commercial).

Annexation

The Village is seeking to annex approximately 3.7 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 adjacent to the subject site. The property is contiguous to the Village from the north and west. The subject site has been identified for commercial

use as part of the Boylan Concept Plan that incorporates a mixture of auto dealerships, light industrial, public works, and retail within this future development.

Based on the foregoing, staff would recommend that the proposed annexation is a logical extension of the Village's municipal boundaries.

Rezoning

The Village as part of the Real Estate Contract is seeking to rezone the subject property to B-3 (Business Highway) from its current R-1 county zoning. The existing 3.7 acre site is vacant and is adjacent to the railroad. The site's frontage on Route 83 makes it appropriate for commercial development

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 is adjacent to Route 83 which continues to serve as a Strategic Regional Arterial and carries approximately 9,000 vehicles per day past the subject site. The Route 83 serves as a commercial corridor for the Village of Antioch. The site to the west of this proposed TSC store is currently zoned B-3 and was a commercial building. This commercial site now contains a church. To the south of the subject site includes a number of commercial uses.

The Village's 1991 Comprehensive Plan identifies this area as commercial. In addition, the clear trend of development along Route 83 continues to be commercial development. The long term vision of the Village is the redevelopment of a number of commercial sites along the corridor. The corridor is in major need of major visual improvements and Staff believes that this new retail building can bring new energy and investment to the corridor.

There is nothing to indicate that this proposed 19,000 square foot retail building will have any negative impact on any of the adjacent properties. The railroad will serve as a buffer to the east and the proposed retention pond will serve as a buffer to the north. To the north is the Faith Lutheran School and their parking lot. Staff will be working with the applicant as part of the future Site Plan Review to incorporate landscaping along the northern perimeter to ensure that there is no negative impact on the school located to the north of the subject site.

- The applicant will be required to submit a Site Plan Review application in the future. The PZB and Village Board will have an opportunity to review the final Site Plan, architectural elevations,

parking plan, access points, landscape plan, and engineering as part of the future Site Plan Review. None of these specific details are being reviewed as part of the Annexation and Rezoning.

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 that the Village Board approve the rezoning of the subject site to B-3 zoning.

We move that the Village Board approve the herewith attached Annexation Ordinance for the subject property.

We move that the Village Board approve the herewith attached Rezoning Ordinance rezoning the subject property to B-3 zoning.