

VILLAGE OF ANTIOCH

ORDINANCE NO. 17-11-40

***AN ORDINANCE GRANTING B-3 ZONING FOR OLSEN PROPERTY
(PZB-17-11)***

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

November 13, 2017

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 15th day of November 2017.**

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

ORDINANCE 17-11-40

AN ORDINANCE GRANTING B-3 ZONING TO OLSEN PROPERTY (17-11 AA/SU/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.

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 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. 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 13th day of November 2017

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

APPROVED:

By: _____

Lawerence M. Hanson, Mayor

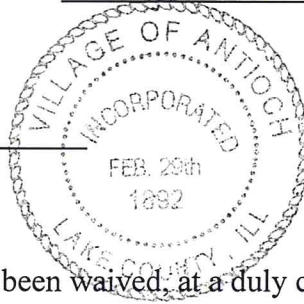
Date: _____

11-17-17

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 November 13, 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 November 13, 2017, the Corporate Authorities of such municipality passed and approved Ordinance 17-11-40, entitled “AN ORDINANCE GRANTING B-3 ZONING FOR OLSEN PROPERTY (PZB-17-11)” which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 17-11-40 including the Ordinance and cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building, commencing on November 13, 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 15th day of November, 2017

Lori K. Romine
Lori K. Romine, Village Clerk

Lot 2 in Sunset Ridge, being a Subdivision of part of the Southwest Quarter of Section 17, Township 46 North, Range 10 East of the Third Principal Meridian, according to the Plat thereof Recorded November 27, 1957 as Document Number 973402, in Lake County, Illinois.

PIN: 02-17-301-056

Commonly Known as: 41362 N. Highway 83, Antioch, IL 60002



REPORT TO: VILLAGE PRESIDENT and BOARD OF TRUSTEES
FROM: MICHAEL S. GARRIGAN, AICP, CNU-A, Community Development Director
DATE: November 6, 2017
SUBJECT: REPORT TO PZB

CASE: Olsen
17-11
REQUEST: Annexation Agreement (Public Hearing)
Annexation
Special Use
Rezoning
Site Plan

LOCATION: 41362 N. IL Route 83

APPLICANT: Joe Olsen

ZONING: GC (Lake County Zoning)

Background

The applicant is proposing to construct an auto service business on a half of an acre of vacant property on Route 83. The subject site is currently located in Lake County and is contiguous to the Village. The applicant currently is operating in unincorporated Antioch and is interested in constructing his own building. The proposed use is a permitted use in the B-3 district. The applicant's business relates to the tinting of vehicle glass.

The applicant is proposing to construct a 5,760 square foot building on the subject site. The property was previously used for residential purposes.

Annexation

The subject site is adjacent to several parcels that are located in the Village of Antioch. In addition, the 1991 Comprehensive Plan identifies the site as commercial and the site is located adjacent to existing Village utilities. The site is located within the Village's Facility Planning Area (FPA) and utilities are adjacent to the site and can service the site.

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 applicant has submitted the Village's standard annexation agreement along with a revised "Exhibit C" which modifies the Village's standard agreement. Based on discussions with the applicant, they will be seeking the following variance from Village policy:

- a. Impact Fees- The sanitary and water tap on fees are being waived pursuant to Village Board direction.
- b. The Village's standard impact fees related to School/Park, Traffic, Municipal, Library, and Annexation Fees are being waived.
- c. The applicant will be responsible to pay the required Fire Protection District Fee of \$0.20 per square foot at time of the building permit.
- d. The creation of a Dormant Special Service Area (DSSA) is being waived.
- e. The Developer acknowledges that there is existing recapture on the subject property and they will be responsible for paying any applicable recapture for the extension of the water and sanitary line down Route 83 at the time of the building permit.
- f. The Developer shall be building the subject site plan and building elevations in compliance with the exhibit D, E, and F.

Special Use for Planned Unit Development

When looking at any Special Use 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 10-15-5, 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 commercial nature of this business is consistent with the auto oriented use located to the north and south of this property. Route 83 is a commercial corridor and the subject use is appropriate and consistent with the commercial trend of 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 applicant's proposed use is commercial and is consistent with the general commercial character of the area. Based on the input of Staff, the applicant revised their original plans. The new proposed building is generally consistent with the Villages Site Plan Review Ordinance and should help improve the design character of Route 83. As previously highlighted by Staff, the Route 83 corridor is in need of revitalization. The predominant materials for most buildings along the corridor is CMU block and metal. The applicants proposed elevations will help improve the general character of the corridor.

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

The applicant's commercial use is generally consistent with the surrounding uses, and the general design of the building is consistent with the Village's ordinances and policies. Specifically, the applicant is proposing the use of fiber cement board which may be an appropriate replacement material for face brick depending on the design of the building.

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 indicate that the proposed use will have a negative impact on air emissions, noise, vibrations, heat, odors, and water pollution. The applicant's use will be fully contained within the proposed building.

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

There is nothing to indicate that this proposed use will increase traffic substantially on Route 83.

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

The proposed use will have no impact on water, wastewater or storm water.

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

The current revised elevation is generally consistent with the Village's Site Plan Review Ordinance and will help improve the design character of this commercial corridor.

Rezoning

The applicant is seeking to rezone the subject property to B-3 (Service and Wholesale Business District) from its current commercial zoning in Lake County. The site is located on Route 83 and is appropriate for commercial purposes.

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: Residential (County)
South: Commercial (Village)
West: Residential (County)

The proposed B-3 zoning is consistent with the character of the Route 83 corridor. Auto service businesses are a permitted use in the B-3 district and the proposed use is consistent with the 1991 Comprehensive Plan. Additionally, a commercial auto service is consistent with the trend of development along the corridor. Specifically, there is an oil change business located to the south of the subject site.

The commercial nature of this proposed business would not have a negative impact on the adjacent properties as long as the applicant complies with the Village's Site Plan Review Ordinance.

Site Plan Review

The applicant is also proposing a Site Plan Review of their 5,760 square foot building on approximately 0.50 acres. Below is an analysis of the proposed Site Plan:

Parking and Access point

The applicant is proposing an access point on Route 83. Any access point would be subject to the approval by IDOT. The applicant has represented that they have preliminary approval by IDOT of this proposed access points.

Based on Village Ordinance there would be a requirement of 1 space per 1,200 square feet or a total of 5 spaces. The applicant is proposing a total of 11 spaces along with 1 handicapped space. The applicant has identified a business need for this number of parking spaces and Staff is generally comfortable with the proposed parking plan. The proposed parking stalls and drive aisles will comply with the Village's standards.

Architecture

The applicant is proposing a metal structure is not consistent with the Village's Site Plan Review Ordinance. The Village's Site Plan Review Ordinance requires a predominance of quality materials including face brick, stone, or glass. Fiber cement board would also be an acceptable alternative.

The applicant has submitted revised architectural elevations that incorporate fiber cement clapboard on all four elevations and a cultured stone on the east and southern elevations. Consistent with the request of staff, additional articulation has been added to the proposed elevations. A series of gables have been incorporated into the east and southern elevations, which provides some additional articulation and movement to the structure.

Landscaping

The Site Plan Review would require a total of 3 shade trees and 50 shrubs. The applicant is proposing a total of 2 shade trees and 20 shrubs. Based on the Village Ordinance, an additional shade or ornamental tree along with 30 shrubs need to be introduced to the landscape buffer along Route 83.

In addition, the applicant will be required to introduce 30 shrubs and 5 shade trees to the southern landscape buffer and an additional 6 shade trees to the northern landscape buffer.

The applicant does not have the required 40 foot rear landscape buffer that is required by the Village's Site Plan Review Ordinance. The applicant is proposing to create a landscape buffer of 100 percent opacity over time by introducing 16 arborvitae trees along the western perimeter of the site. Over time these trees will create a natural wall of vegetation which will buffer this site from the neighborhood to the west.

Photometric and Trash Enclosure Plan

The applicant has submitted a photometric plan and it complies with the Village's Site Plan Review Ordinance. In addition, the applicant has submitted a trash enclosure plan and it will be constructed out of wood material and fully enclose the trash bin.

Engineering

The applicant has submitted an engineering plan that shows a stormwater retention garden to be located at the southwestern perimeter of the subject site. Currently, this engineering submittal is being reviewed by the Village Engineer. Any engineering will have to be approved by the Village Engineer prior to any building permit being issued.

RECOMMENDATION

The applicant's revised plans generally addressed the previous concerns of Staff highlighted at the first PZB meeting. Specifically, the applicant has improved the general design of their building and is proposing the use of fiber cement board in lieu of face brick.

The PZB reviewed this case at their meeting on September 14, 2017 and recommended 5-0 the following motions:

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

We move that the Village Board approve an ordinance approving the annexation and annexation agreement for the subject property.

We move that the Village Board approve a Rezoning ordinance zoning the subject property to B-3 Zoning.

We move that the Village Board approve 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 requirements of the Antioch Fire Protection District.***

We move that the Village Board approve the Site Plan Review 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 per the recommendations of staff outlined above.***