

## Board of Vacations Minutes

A petition to vacate an unimproved portion of Woodland Avenue located in the  
J.L. Shaw's Subdivision on Fox Lake  
Antioch Township

Public Hearing – August 28, 2019

**Petitioners:** TRLPS Real Estate, LLC, 38283 N. Bolton Place, Antioch, Illinois; 26570, 26562 and 26550 W. Woodland Avenue, Antioch, Illinois, and Ernie Lovas, 38235, N. Bolton Place, Antioch, Illinois.

### 1. Call to Order

Street Vacation No. #000511-2019 – Petition to vacate a portion of unimproved section of unimproved Woodland Avenue, 50 feet wide, extending east towards Fox Lake 411 feet (average) and consists of 0.48 acres.

### 2. Roll Call

Board of Vacations representatives:

Planning, Building and Development: Brian Frank, Engineering & Environmental Services

Division of Transportation: Betsy Duckert, Manager of Permitting

Planning, Building and Development: Krista Braun, Planning & Zoning Manager

Vacation Officer\*: Brad Denz, Senior Planner/Project Manager

State's Attorney's Office\*: Lisle Stalter, Assistant States Attorney

\* Non-voting members

### 3. Approval of Minutes

Approval of the August 7, 2019 minutes for case #000501-2019, and #000505-2019. Motion, by Member Braun, Seconded by Member Duckert. Approved unanimously.

### 4. Added to the Agenda (none)

### 5. Deferred Matters (none)

### 6. Other Business

- 6.1 Request by TRLPS Reals Estate, LLC and Ernie Lovas, record owners of the properties adjacent to the portion of the right-of-way described as "The portion of public road known as Woodland Avenue, all that part of Woodland Avenue lying southerly of and adjacent to Lots 56, 116, 117, and 118 in J.L. Shaw's Subdivision on Fox Lake, in Section 35, Township 46 north, range 9 east of the third principal meridian, according to the plat thereof recorded July 15, 1909 as document 123552 in Book "H" of plats, pages 38, 39, and 40, in Lake County, Illinois. The proposed area to be vacated consists of 0.47 acres".

Mr. Denz opened the hearing at 3:00 p.m. and reviewed the petition with those in attendance. The petitioner was sworn in. Mr. Denz explained that the petition was legally advertised in the Daily Herald on August 7, 2019, thus meeting the legal notice requirements for the hearing.

Mr. Denz stated he received correspondence from Antioch Township Highway Department which stated "no objection" for the request. The Department received correspondence from Commonwealth Edison which also stated "no objection" contingent upon a non-exclusive easement dedication on the plat. Mr. Denz stated it is the applicant's intent to acquire the vacated land in order to establish a parking lot for the tavern business. Ultimately, it will be necessary for the applicant to rezone the southern-half of the right-of-way from Residential-1 (R-1) to Recreational Commercial (RC) zoning district.

### **Petitioner's Testimony**

Mr. Larry Phillips Jr. of TRLPS Real Estate, LLC indicated he would like to vacate this portion of Woodland Avenue for a parking lot (35 spaces) as his tavern business has increased, and more parking is occurring along Bolton Avenue. Currently, this area of Woodland Avenue is overrun with dead trees and a fence which would be replaced upon the completion of the street vacation process. The vacation with the parking lot will improve the accessibility within the tavern parking lot, will improve the aesthetic appearance, and the County can obtain tax revenue for the vacated land which would be held in private ownership.

### **Board Comments/Questions**

Member Braun:

- A. To clarify, is there currently overflow parking onto Bolton Place
- B. Would the parking take access from the existing drive/parking lot or directly from the street?

Mr. Phillips stated on weekends there is overflow parking onto Bolton Place. The parking lot will have an independent access from Bolton Place. A four-foot high fence will be placed between the parking lot and the playground area for delineation.

Member Duckert:

- A. Have you developed a site plan which shows the improvements?
- B. Have you discussed an access permit from the Antioch Township Highway Department?
- C. Would the new parking lot have a connection to the existing parking lot to the north?
- D. Would a rezoning be necessary for the new parking lot?

Mr. Phillips stated he has submitted a site plan with a parking lot of crushed gravel containing a 3" to 5" inch base. The applicant stated he has discussed the improvements with the highway and fire departments. The parking lot will not have a connection to the north. Brad Denz stated the northern half of the Woodland Avenue is zoned Recreational Commercial (RC) and the southern half is currently zoned Residential-1 (R-1). Upon a completed street vacation process, these zoning districts remain. Only when the street is vacated, and TRLPS Real Estate, LLC acquires ownership of this land, can a rezoning application occur.

Member Frank:

- A. Would there be a gate on the east side of the property to prevent circulation between the two parking areas?
- B. Drainage onto Woodland initiates from Bolton Place and it will be necessary to verify the flow is not redirected when the parking lot is established.

Mr. Phillips stated the parking areas will be separated. The applicant will work with his consultant to verify the requirements are addressed.

### **Public Statements**

None

### **Closing Statement**

Ernie Lovas stated a vacation of this area would prevent littering within this area.

Brad Denz stated the applicants will enter into a landscape waiver agreement in which only a 6-foot high fence is required.

### **Close of Testimony**

A motion to close testimony was made by Member Frank and seconded by Member Duckert. The motion passed unanimously.

### **Board Discussion**

Member Frank stated the following:

- No objection, upon verification of adequate or improved drainage, which will benefit the adjacent properties.

Member Braun stated the following:

- The right of way area does not function in the public interest.
- The parking lot would be an improvement to the area.

Member Duckert stated the following:

- The vacation and proposed parking lot would be a benefit to the neighborhood as vehicle parking would be redirected from Bolton Place.

### **Motion**

Member Frank made a motion to grant the petition to vacate the right-of-way as proposed, seconded by Member Duckert, for the following reasons:

1. Antioch Township has no objection to the request.
2. Without an active homeowner's association there is no official oversight of the right-of-way use.
3. The vacation would relieve the County of any liability associated with the right-of-way.
4. The vacation would place the property in private ownership and on the tax rolls.

### **Action**

The motion passed 3-0.

### **Adjournment**

Member Braun moved to adjourn the meeting. This motion was seconded by Member Duckert and passed unanimously. The meeting was adjourned at 3:20 p.m.