

**VILLAGE OF DEERFIELD
LAKE AND COOK COUNTIES, ILLINOIS**

ORDINANCE NO. 0-13-43

**AN ORDINANCE ZONING PROPERTY AT THE SOUTHWEST
QUADRANT OF DEERFIELD ROAD AND THE TRI-STATE TOLLWAY
UPON ANNEXATION TO THE R-5 DISTRICT, APPROVING A SPECIAL
USE AND FINAL DEVELOPMENT PLAN FOR THE WOODVIEW RESIDENTIAL
PLANNED UNIT DEVELOPMENT AND APPROVING AN AMENDMENT TO THE
PARKWAY NORTH PLANNED UNIT DEVELOPMENT
(Woodview Residences at Parkway North)**

**PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF DEERFIELD, LAKE
AND COOK COUNTIES, ILLINOIS, this**

16th day of September, 2013.

**Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Deerfield, Lake and
Cook Counties, Illinois, this
16th day of September, 2013.**

**VILLAGE OF DEERFIELD
LAKE AND COOK COUNTIES, ILLINOIS**

ORDINANCE NO. 0-13-43

**AN ORDINANCE ZONING PROPERTY AT THE SOUTHWEST
QUADRANT OF DEERFIELD ROAD AND THE TRI-STATE TOLLWAY
UPON ANNEXATION TO THE R-5 DISTRICT, APPROVING A SPECIAL
USE AND FINAL DEVELOPMENT PLAN FOR THE WOODVIEW RESIDENTIAL
PLANNED UNIT DEVELOPMENT AND APPROVING AN AMENDMENT TO THE
PARKWAY NORTH PLANNED UNIT DEVELOPMENT
(Woodview Residences at Parkway North)**

WHEREAS, the Village of Deerfield has entered into a certain Annexation Agreement (the “Annexation Agreement”) with Woodview Residences, LLC, (“Petitioner”), the owner of the property described herein, pursuant to the laws of the State of Illinois; and,

WHEREAS, the property which is the subject of said Annexation Agreement is a 7.68 acre tract of real estate located at the southwest quadrant of Deerfield Road and the Tri-State Tollway, immediately east and north of the Parkway North Center PUD, and is legally described on Exhibit A attached hereto (the “Subject Property”); and,

WHEREAS, the Subject Property has been or will be annexed to the Village of Deerfield pursuant to said Annexation Agreement and the laws of the State of Illinois; and,

WHEREAS, the Petitioner petitioned the Plan Commission of the Village of Deerfield, subject to and in accordance with said Annexation Agreement, to: (1) rezone the Subject Property upon annexation in the R-5 General Residence District under the Zoning Ordinance of the Village of Deerfield; (2) amend the Future Land Use map element of the Comprehensive Plan of the Village of Deerfield to designate the Subject Property for residential use; (3) approve a preliminary and final

residential planned unit development, including certain variations listed on Exhibit B attached hereto, authorizing the proposed Woodview Residences multi-family luxury residential rental apartment development as a Special Use Residential Planned Unit Development of the Subject Property in the R-5 General Residence District; (4) amend the Zoning Ordinance of the Village of Deerfield to allow identification wall signs for a Residential PUD multi-family development; and (5) approve an amendment to the Parkway North Center PUD to permit, among other things, the proposed multi-family residential apartment development on the Subject Property to be accessed via Parkway North Boulevard and the expansion of the Parkway North Center retention pond; and,

WHEREAS, the Plan Commission of the Village of Deerfield has held a public hearing on May 23, 2013 pursuant to public notice to consider said petition, said hearing and notice conforming in all respects, in both manner and form, with the requirements of the statutes of the State of Illinois and the Zoning Ordinance of the Village of Deerfield; and

WHEREAS, the Plan Commission of the Village of Deerfield, after considering the testimony, documentary evidence and supporting materials offered at said public hearing, filed its report with the President and Board of Trustees containing its written findings of fact and recommendation to: (1) rezone and classify the Subject Property in the R-5 General Residence District; (2) amend the Future Land Use Map element of the Comprehensive Plan of the Village of Deerfield to designate the Subject Property for residential use; (3) approve a preliminary residential planned unit development, including certain variations, authorizing the proposed Woodview Residences multi-family residential apartment development as a Special Use Residential Planned Unit Development of the Subject Property in the R-5 General Residence District; (4) amend the Zoning Ordinance of the Village of Deerfield to allow identification wall signs for a Residential PUD multi-family development; and (5) approve an amendment to the Parkway North Center PUD

to permit, among other things, the proposed Woodview Residences multi-family residential apartment development on the Subject Property to be accessed via Parkway North Boulevard and the expansion of the Parkway North Center retention pond, all subject to the terms and conditions in said Annexation Agreement for the further classification and development of the Subject Property as a residential planned unit development and the submission and approval of a final development plan for said residential planned unit development in conformance with said preliminary residential planned unit development plan; and,

WHEREAS, the Plan Commission of the Village of Deerfield held a further public meeting on July 25, 2013 pursuant to Article 12.09-F, Paragraph 3, to consider Petitioner's request for approval of a Final Development Plan for Woodview Residences as a Special Use Residential Planned Unit Development of the Subject Property, said hearing conforming in all respects, in both manner and form, with the Zoning Ordinance of the Village of Deerfield; and,

WHEREAS, the Plan Commission of the Village of Deerfield, after considering Petitioner's proposed Final Development Plan for the Subject Property and the evidence, testimony and supporting materials offered at said public hearing, submitted its written report to the Board of Trustees of the Village of Deerfield finding that the Final Development Plan was in substantial conformance with the approved preliminary development plan and recommending that the Final Development Plan be approved to allow the Woodview Residences multi-family residential apartment development as a Special Use Residential Planned Unit Development of the Subject Property in the R-5 General Residence District in accordance with the documents comprising the Final Development Plan listed on Exhibit C attached hereto, which Exhibit C is hereby incorporated and made a part of this Ordinance as if fully set forth herein; and,

WHEREAS, the President and Board of Trustees of the Village of Deerfield have determined that the best interests of the Village will be served by (1) zoning and classifying the Subject Property in the R-5 General Residence District; (2) amending the future land use map element of the Comprehensive Plan of the Village of Deerfield to designate the Subject Property for residential use; (3) approving a Final Development Plan, including certain variations identified on Exhibit B attached hereto, and a Development Agreement attached hereto as Exhibit D, to authorize the proposed Woodview Residences multi-family luxury residential rental apartment development as a Special Use Residential Planned Unit Development of the Subject Property in the R-5 General Residence District; (4) amending the Zoning Ordinance of the Village of Deerfield to allow an identification wall sign for a Residential PUD multi-family development; and (5) approving an amendment to the Parkway North Center PUD to permit, among other things, the proposed multi-family residential apartment development on the Subject Property to be accessed via Parkway North Boulevard and the expansion of the Parkway North Center retention pond, all subject to the terms and conditions in said Annexation Agreement and the annexation of the Subject Property;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF DEERFIELD, LAKE AND COOK COUNTIES, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION 1: That the above and foregoing recitals, being material to this ordinance, are hereby incorporated by this reference and made a part of this ordinance as if fully set forth herein.

SECTION 2: That the Zoning Map of the Village of Deerfield, being a part of the Zoning Ordinance of the Village of Deerfield, as amended, be and the same is hereby further amended by rezoning and classifying the Subject Property legally described on Exhibit A attached hereto and

made a part hereof in the R-5 General Residence District, subject, however, to the conditions and restrictions set forth in Section 7 of this ordinance.

SECTION 3: That the Future Land Use Plan element of the Comprehensive Plan of the Village of Deerfield, heretofore adopted on October 4, 2004, be and the same is hereby amended to designate residential use as the planned future use of the Subject Property and to delete the current designation of office/research use provided in said plan.

SECTION 4: That the President and Board of Trustees do hereby approve the Final Development Plan for the Woodview Residences residential planned unit development, including the variations listed on Exhibit B attached hereto, authorizing a 248 unit, 4-story multi-family luxury rental apartment building with interior amenity courtyard, clubhouse, fitness center, pool and other amenities, all as more fully described on Exhibit C attached hereto, and also including an internal 5-story open roof parking deck with 374 parking spaces, 32 ground level parking spaces, and 25 land banked ground level parking spaces to be identified in the Final Development Plan and implemented if required by the Village after stabilization of the development at ninety percent (90%) occupancy, as a Special Use Residential Planned Unit Development of the Subject Property in the R-5 General Residence District, subject to the conditions, regulations and restrictions set forth in Section 7 of this Ordinance.

SECTION 5: That Article 9.02-A (“Residential District”) of Article 9 (“Signs”) of the Zoning Ordinance of the Village of Deerfield, be and the same is hereby amended to add Paragraph 7 thereto entitle “Residential Planned Unit Developments – Identification Wall Signs”, to read as follows:

7. Residential Planned Unit Developments – Identification Wall Signs

Signs shall be limited to development identification wall signs for multiple-family planned unit developments located adjacent to the southwest quadrant of Deerfield Road and the Tri-State Tollway, subject to the following:

- a. Number and Content
There shall not be more than one (1) development identification sign per wall, located on the outermost wall of the principal building fronting a public street, public right-of-way, easement for access or parking area. Such sign shall indicate only the name of the development and an identifying symbol of the development.
- b. Type
Development identification wall signs may be lettering mounted on a wall.
- c. Area
No development identification wall sign may have more than one sign face. The gross surface area of the sign face shall not exceed 58 square feet. The area of the sign comprised of lettering mounted on the wall shall be computed by determining the area of the smallest single rectangle which encompasses all of the lettering and any symbol used to identify the development and any gaps or spaces between the lettering and the symbol.
- d. Location
Wall signs may be located on any wall of the principal building fronting on a public street, public right-of-way, easement for access or parking area.
- e. Lighting
Development wall signs may be internally illuminated only. Lighting for such signs shall be constructed with an independent timer so that the hours of lighting may be adjusted as appropriate.

SECTION 6: That the Parkway North Center Planned Unit Development, as amended, be and the same is hereby further amended to accommodate the Woodview Residential Planned Unit Development herewith approved for the Subject Property, including but not limited to: (i) private road access to Parkway North Boulevard, (ii) the connection of Woodview's east detention pond to the existing Parkway North retention pond, (iii) a Woodview deck overlooking the Parkway North retention pond, and (iv) integration of the Woodview bicycle and pedestrian path system with the

Parkway North Center path system, all as more fully described on the documents comprising the Final Development Plan attached hereto as Exhibit C.

SECTION 7: That the rezoning of the Subject Property to the R-5 General Residence District and the approval and authorization of the proposed Woodview multi-family residential rental apartment development as a Special Use Residential Planned Unit Development of the Subject Property in the R-5 General Residence District are hereby granted subject to the following additional conditions, regulations and restrictions:

- A. That the owners of said property shall fully and completely comply with all of the terms and conditions set forth in that certain Annexation Agreement by and between the Village of Deerfield and Woodview Residences, LLC., a copy of which is attached to Ordinance No. O-13-29.
- B. The construction, development and use of the Subject Property shall be in accordance with the documents, materials and exhibits comprising the Final Development Plan for the Subject Property attached hereto and made a part hereof as Exhibit C.
- C. Notwithstanding any other provision in the Zoning Ordinance of the Village of Deerfield, the multi-family residential apartment development shall be established and maintained for residential use and occupancy as rental units as allowed in the Annexation Agreement.
- D. Petitioner shall accept ownership and maintenance responsibility for Deer Run Drive, and will provide continuing road and utility access for the existing single family homes located northwest of the Subject Property no less favorable than that provided on similar township roads.
- E. Full and complete compliance with this ordinance and with the terms and conditions set forth in the Development Agreement by and between Woodview Deerfield, L.L.C., and the Village of Deerfield, a copy of which is attached hereto as Exhibit D.
- F. Annexation of the Subject Property.
- G. Compliance with all representations submitted and made by the Petitioner to the Plan Commission and to the President and Board of Trustees of the Village of Deerfield.

SECTION 8: That this Ordinance, and each of its terms, shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should: (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law; or, (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Deerfield that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 9: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 16th day of September, 2013.

AYES: Farkas, Jester, Nadler, Seiden

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED this 16 day of September, 2013.



Village President

ATTEST:



Village Clerk

EXHIBIT B
Variations Approved for Woodview Residences PUD

1. To allow the petitioners to provide 7.68 acres for the site in lieu of the required 15.62 acres of land area required based on the mix of units in the proposed development.
2. To allow the setback between the private street on the west side of the development to be 18.5 feet, and the setback between the private street on the south side of the development to be 23.5 feet in lieu of the required setback for a private street, which is twenty-five (25) feet plus one (1) foot for each one (1) foot by which the building exceeds thirty (30) feet in height. The setback from the private streets on the west and south of the property would require a 45 foot setback between the building and the road.
3. To allow structures to be located in the perimeter setbacks of this development including: a recreation area (flexible tennis/basketball court) area located the north perimeter setback 14' from the property line; the pool structure located in the perimeter setback 3' from the property line; the new streets located in the perimeter setbacks 8.8' from the south property line and 7.3' from the west property line in lieu of the required perimeter setback which is 25 feet, plus one (1) foot for each one (1) foot by which the building exceeds thirty (30) feet in height, which shall be provided and maintained along the exterior boundaries of the Residential PUD. A 45 foot minimum perimeter setback is required for the Woodview development.
4. To allow the total ground area occupied by all principal and accessory buildings to be 32%, in lieu of a maximum of 30%.
5. To allow the apartment building to exceed the maximum building height by 15' (50' building – 35' maximum = 15' variation); and to allow the mechanical/elevator penthouse to exceed the maximum height by 10' (57' mechanical/elevator penthouse height – 47' maximum = 10' variation).
6. To allow the identification entry sign to be 30 square feet in area in lieu of the maximum 27 square feet allowed and to have two faces.
7. To allow the identification entry sign to be located on the Parkway North Center property.
8. To allow the identification entry sign to have a depth of 3 feet 6 inches in lieu of the allowed maximum depth of 1 foot.
9. To allow the leasing office sign to be 33 square feet in area (11.66' long by 2' high) in lieu of the allowed maximum of 4 square feet.
10. To allow 60 compact parking spaces to be provided in the garage and 2 compact parking spaces to be provided in the parking lot, which spaces are 7 ft. 7 in. by 17.0 ft. in size.