



March 10, 2023

Updated Zoning Memo on Application of Lexington Homes L.L.C., concerning 3750 Deerfield Road for a new 54-townhome unit development (“Riverwoods Reserve”)

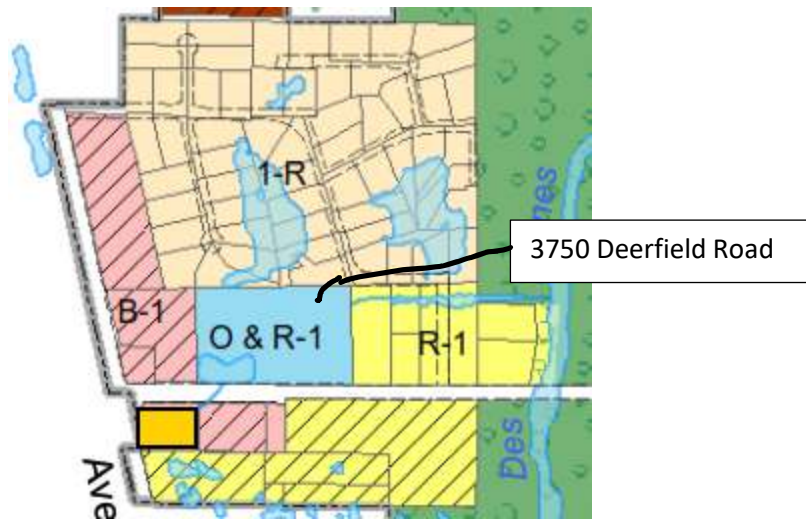
This memorandum amends and updates a prior memorandum dated September 30, 2022, which described the zoning relief requested in the original application by Lexington Homes for a proposed redevelopment of the Federal Life Insurance Company property. That application concerned a site plan showing 69 townhome units and has been the subject of an on-going public hearing.

The revised application is based on a site plan showing 54 townhome units and, for reasons given below, the nature of the requested zoning relief has changed.

Zoning/Subdivision Relief Request

Lexington Homes L.L.C. (“Lexington”) is under contract to purchase the Federal Life Insurance Company property at 3750 Deerfield Road and is requesting zoning relief to construct 54 townhomes on the site. The requested zoning relief includes (1) re-mapping, (2) a text amendment and (3) granting a special use. In addition, Lexington’s requests approval of a subdivision plat under the subdivision control ordinance.

The property is approximately 9.38 acres (before any future road dedication to Lake County) and is improved with an office building of approximately 67,000 square feet (including lower level). The property is zoned O and R1 office district one (“O&R1”) as shown in the portion of the Official Zoning Map below.



The Federal Life building was constructed in 1980 as a main corporate office. At one time, 200 employees worked on site, but the employee count is much reduced due to technology, remote working and other factors as business has evolved.

(1) **Re-mapping.** Lexington requests that the property be rezoned to the 1-R 42,000 square feet (inclusive of roads) district (the “1-R District”), which is the zoning classification of the adjacent Meadowlake Subdivision to the north. The 1-R District has not previously been applied to any property outside of the Meadowlake Subdivision.

(2) **Text Amendment.** The 1-R District includes the authority to grant a special use for multiple family housing. **Section 9-4A-3** in the 1-R District provides (existing language):

Multiple-family housing, provided that the minimum lot area per dwelling unit shall be seven thousand (7,000) square feet and no multiple-family building shall have a total lot area of less than forty thousand (40,000) square feet nor have a lot width of less than two hundred feet (200'). The floor area, building height and yard requirements for any multiple-family housing development shall be determined by the President and Board of Trustees upon recommendation of the Plan Commission.

Modern townhome developments often employ a number of subdivided lots corresponding to the building envelope. A building envelope for a 5-unit building will vary from the envelope for a 6-unit building, etc.



The above site plan is an excerpt from the most recently submitted site plan revision. Common areas are included within common area lots, with the result that the new site plan would have 14 subdivided lots with buildings occupying 10 of those lots. Allowing for lots of a dimension that adheres to the building envelope while creating other lots for open common areas is a method for improving the overall look and appearance of a development and the governance of the common areas by the homeowners association.

Staff recommends that the special use provision in the 1-R District be amended to reflect the advantages of setting aside common areas within the townhome development and allowing the approval of the site plan by the Board of Trustees to control the ultimate minimum size and area of individual lots.

Amendment to Section 9-4A-3

Multiple-family housing, provided that the minimum lot area per dwelling unit shall be seven thousand (7,000) square feet and no multiple-family building shall have a total lot area of less than forty thousand (40,000) square feet nor have a lot width of less than two hundred feet (200'). The applicable bulk regulations, including minimum lot area per building, minimum lot width, floor area, building height and yard requirements for any multiple-family housing development shall be determined by the President and Board of Trustees upon recommendation of the Plan Commission.

(3) Special Use. Lexington requests, upon rezoning the property, and upon amendment of the special use provision in the 1-R District, that a special use for multiple-family housing be granted under Section 9-4A-3 (as amended) special use provisions of the 1-R District.

SITE DATA

Density

The site is approx. 9.38 acres or 408,553 sf. The unit density maximum of Section 9-4A-3 is one unit for each 7,000 square feet, which in this case would allow 58 units. The applicant is requesting 54 units.

The site plan indicates the future ROW dedication for the widening of Deerfield Road resulting in a loss of 0.53 acres (projected to occur in 2024 or 2025), which would leave approx. 8.85 acres or 385,542 sf. This will be revised for future dedication of village access road). Even the lesser square footage would accommodate 55 units.

Parking

The plan includes a two-car garage for each unit, plus spaces for two cars on the parking pad outside of each garage. With additional on-street parking, the applicant is indicating a minimum of 230 parking spaces.

Setbacks

This analysis uses the perimeter of the site to establish front, rear and side yards, with the rear yard being measured from the northern property line of the site, and the front yard being measured from Deerfield Road.

The nearest building to the north property line and the depth of the resulting rear yard is 108 feet. For the east side yard, the corners of the buildings measure 37.5, 35.1, 32.9 and 30 feet from the east property line.

For the front yard, the nearest corner of a building to Deerfield Road (before the future ROW dedication) would be 50 feet, and after dedication the distance is 25 feet at the southwest corner of building 10, and 34.8 feet at the southeast corner of building 7.

Building Height

Building height is 35'3", measured from grade to mean height level between the eaves and ridge of a gable roof.

Woodland Removal

Just under 20% of protected woodland is proposed to be removed to allow for storm water and detention, which can be seen in the area indicated for impact in the site plan. This is consistent with the maximum allowable reduction of protected woodland area.

Petitioner's Application

Petitioner will be submitting or has submitted the documents listed below (Development Plan):

1. Revised General Village Zoning Application, including Project Narrative and Affordable Housing Plan
2. Civil engineering drawings, subdivision plat, and site lighting (Haeger Engineering) (to be updated)
3. Landscape drawings (Dickson Design Studio) (to be updated)
4. Student Generation Estimates (Johnson Research Group) (to be updated)
4. Negative Findings – Wetland Delineation Report (Midwest Ecological)
5. Traffic Impact Study for Riverwoods Reserve (Kenig, Lindgren, O'Hara, Aboona, Inc.) (to be updated)

Standards for Plan Commission Consideration

The Plan Commission may recommend approval of the applicant's requests, or approval subject to such conditions as the Plan Commission deems necessary. The Plan Commission may recommend against approval of the application in whole or in part. The Plan Commission evaluates according to the standards for granting a special use as set forth in the Village Code – and the Board of Trustees must make the same findings:

Standards: No special use shall be granted by the Village Board unless the special use:

1. Is deemed beneficial for the public convenience at that location.
2. Is so designed, located and proposed to be operated that the public health, safety, morals and welfare and interest will be protected.
3. Will not cause substantial injury to the value of other property in the neighborhood in which it is located.

Review of New Site Plan

The most recent site plan submission deviates from the site plan previously under consideration by the Plan Commission. The most significant changes include a substantial reduction in the total number of dwellings, reduction in the number of access points from Deerfield Road, rearrangement of internal circulation, modification to the design of storm water detention, greater preservation of protected woodlands, and reduction in relief from zoning standards. As described below, each of these changes are supported by staff recommendations.

Dwelling Units

The reduction from the originally proposed 69 dwellings to the now proposed 54 dwellings has multiple impact: first, the resulting densities do not exceed those permitted under the requested 1R zoning designation. (The prior requested density would have required a bonus to the allowable density as an element of the Residential Planned Unit Development (RPUD) that is available for exceptional designs). Second, the reduced density allows for more open space within the site in addition to the preservation of protected woodlands on the northern edge of the site. The reduced density also reduces the total amount of impervious surface (buildings and paved circulation) that must be addressed through storm water detention and controlled release. Further, the reduced density accommodates greater setback from adjacent residential property.

Access and Circulation

The revised site circulation is significantly different from prior proposed site plans. The elimination of the eastern access to Deerfield Road results in all site ingress and egress through a single controlled intersection directly across from the access point serving Thorntons and Cube Smart. Neither that existing intersection nor the anticipated traffic generated from this new access to the subject site will warrant traffic signals, and therefore access (one inbound lane and two outbound [left turn/straight and right turn only]) will be controlled through a stop sign. The elimination of the eastern access point reduces the number of conflicting movements in and out of Deerfield Road.

Intermediate site plans responding to the elimination of the eastern access, along with other changes to the site plan necessary to protect the protected woodland, had induced a high proportion of the “motor courts” to also act as circulation driveways for most of all of the residential buildings, and as such, were opposed by staff. The most recent submission eliminates the use of the motor courts for site circulation, allowing them to serve only the two buildings (a maximum of twelve dwellings) they separate. The loop circulation serving all the units has a single point of access to the main access roadway, furthest from the Deerfield Road intersection where it presents the least conflict and greatest opportunity for vehicle stacking awaiting entry into residential loop or exit to Deerfield Road. Staff supports these circulation modifications.

Stormwater

Stormwater detention on site must accommodate both the volumes and release rates to meet County and Village standards. Stormwater detention in an expanded existing pond at the southwest corner of the site and an additional detention basin in the northwest corner of the site would be hydraulically connected (under the curving access road) as proposed. Interim designs presented by the petitioner would have created 3 to 1 sloping sides to both detention areas to minimize the footprint of those detention areas. On the advice of Village’s consultant ecologist, these sidewalls have been reduced in slope steepness to 4 to 1 (length to height) to accommodate both the establishment and the maintenance

of naturalized plantings. The result will be safer, more attractive, more natural, and more maintainable, but they also are larger and use more of the site, contributing to the reduced number of dwellings.

Woodland Protection

In early site plans, and those previously reviewed by the Plan Commission, the siting of dwellings would have resulted in significant number of lost trees within the protected woodland area due to both the location of permanent buildings and as a result of the construction necessary to convey stormwater from the detention area across the northern portion of the site to its exit off the site at the northeast corner of the site. By reducing the number of dwellings and changing the site circulation, the most recently submitted site plan substantially reduces the loss of existing woodland area and loss of existing trees. The loss of area would fall below the maximum allowable 20% of the protected woodland area.

Quality of life and neighborhood character

Revised landscape and lighting plans have not yet been updated to reflect the changed site plan. There is substantially more open space within the residential cluster that will accommodate a more attractive living environment for future residents. The motor courts, though still wide spaces dedicated to cars, not people, are no longer circulation lanes, presenting a private parking area serving just the buildings they separate. Staff will continue to work with the petitioner to finesse pedestrian circulation, and the character of the open spaces, and other site amenities.

Standards

As a result of the reduction in number of dwelling units, reduced impact to protected woodlands, changes to the design of stormwater management areas, modifications to setbacks, the need for exceptions or bonuses allows the proposed development to be approved without a RPUD. If the site is rezoned to 1R, the Plan Commission can recommend the approval of a special use to accommodate the proposed preliminary plat of subdivision and the construction of multiple-family dwellings with conditions suggested below.

Possible Motions and Conditions

(1) The revised notice of hearing and request for relief will include the newly proposed text amendment.

At the conclusion of the public hearing, presumably April 6, 2023, the first motion would be in order to recommend approval of the text amendment amending Section 9-4A-3 of the Village Code in accordance with the changes shown below:

Multiple-family housing, provided that the minimum lot area per dwelling unit shall be seven thousand (7,000) square feet and no multiple family building shall have a total lot area of less than forty thousand (40,000) square feet nor have a lot width of less than two hundred feet (200'). The applicable bulk regulations, including minimum lot area per building, minimum lot width, floor area, building height and yard requirements for any multiple-family housing development shall be determined by the President and Board of Trustees upon recommendation of the plan commission.

(2) The second motion combines three elements:

- (a) to recommend rezoning of the Subject Property to the 1-R 42,000 square feet district,

- (b) to recommend approval of the Preliminary Subdivision Plat, and
- (c) to recommend the granting of a special use under Section 9-4A-3 (as amended) and under section 9-11-9 for multiple family dwellings, and for the subdivision that includes lots without frontage on public rights of ways, for a project to be constructed and operated subject to the following conditions:
 - i. The project shall be constructed in accordance with the Development Plan, consisting of the documents enumerated in the attached exhibit to this motion, as the same may be revised before issuance of a building permit (provided all revisions are consistent with the Development Plan and approved by the Board of Trustees). The regulations of the 1-R District shall be modified for the project as reflected in the final Development Plan.
 - ii. The access road (Access Road) shall be dedicated to the Village per the Subdivision Plat; all public and infrastructure improvements will be assured by completion security.
 - iii. The project shall comply with the requirements of the Woodland Protection Ordinance.
 - iv. The project shall satisfy the requirements of the Village's Affordable Housing Plan.
 - v. The project shall satisfy the requirements of the Lake County Watershed Development Ordinance as enforced by the Village.
 - vi. A homeowner's declaration of covenants to provide for the perpetual care and maintenance of the common areas and improvements, including the engagement of a qualified ecological contractor to maintain native plantings, shall be submitted and approved by the Village and recorded before issuance of a certificate of occupancy.
 - vii. The project shall grant easements to Lake County and the Village (which may be notated on the Subdivision Plat) for compensatory storage as reflected in the applicant's storm water reports, as requested by the County in connection with the widening of Deerfield Road and the creation of the Access Road.