

## **Ordinance 2016-31**

### **An Ordinance Amending The Comprehensive Plan Of The Village Of Northbrook (The Lodge - Techny Parcel EC-2B) (Docket No. 15-16)**

Passed by the Board of Trustees, 5/10/2016  
Printed and Published 5/11/2016

Printed and Published in Pamphlet Form  
by Authority of the  
President and Board of Trustees  
VILLAGE OF NORTHBROOK  
COOK COUNTY, ILLINOIS

I hereby certify that this document  
was properly published on the date  
stated above.

/s/ Debra J. Ford  
Village Clerk

## **Ordinance 2016-31**

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois THAT:

### **An Ordinance Amending The Comprehensive Plan Of The Village Of Northbrook (The Lodge - Techny Parcel EC-2B) (Docket No. 15-16)**

shall be, and is hereby, adopted as follows:

#### Section 1. BACKGROUND.

The Society of the Divine Word ("*Society*") is the record title holder to that certain tract of land comprising approximately 5.303 acres and generally located on the west side of Founders Drive, north of Kamp Drive and south of Techny Road, which property is designated on the Techny Master Plan as Parcel EC-2B ("*Property*"). The Society intends to convey the Property to Parcel EC-2A LLC, an Illinois limited liability company. The Techny Land Corporation, NFP ("*TLC*") is an affiliate of the Society, and the sole member of Parcel EC-2A LLC (collectively with the Society, and Parcel EC-2A LLC, and TLC shall be collectively referred to herein as the "*Owner*"). The Owner intends to enter into a long term ground lease with The Lodge of Northbrook, Inc., an Illinois not-for-profit corporation ("*The Lodge NFP*"). The Lodge NFP intends to contract with Essex Corporation, a Nebraska corporation ("*Essex*") to develop the Property. Essex and The Lodge NFP shall hereafter be collectively referred to as the "*Developer*."

The Developer previously developed an independent senior living facility on Parcel EC-2A, directly to the south of the Property. This facility, referred to as "The Lodge," was developed in three phases pursuant to the following approvals: (i) Ordinance No. 2011-42 Amending and Restating Ordinance No. 09-75 Amending the Comprehensive Plan of the Village of Northbrook; (ii) Ordinance No. 2011-43 Amending and Restating Ordinance No. 09-76 Rezoning Parcel EC-2A and Amending the District Zoning Map; (iii) Ordinance No. 2011-44 Amending and Restating Ordinance No. 09-77 Granting Special Permits for an Independent Senior Living Facility, Building Height in Excess of RS District Limit, Floor Area Ratio in Excess of RS District Limit and Site Plan Approval, and (iv)

Ordinance No. 2013-28 Approving Minor Modifications to Ordinance No. 2011-44 (collectively, the “**Parcel EC-2A Approvals**”).

The Property is governed by and was annexed to the Village pursuant to that certain Annexation Agreement dated December 15, 1988 (“**Annexation Agreement**”), a copy of which was recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 88581079, which was amended by (a) that certain “First Amendment To Annexation Agreement” dated March 26, 1991 (“**First Amendment**”), a copy of which was recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 91137573; (b) that certain “Second Amendment To Annexation Agreement” dated November 9, 1993 (“**Second Amendment**”), a copy of which was recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 93916442; (c) that certain “Third Amendment to Annexation Agreement” dated July 13, 1999 (“**Third Amendment**”), a copy of which was recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 09067534; (d) that certain “Fourth Amendment to Annexation Agreement” dated May 13, 2005 (“**Fourth Amendment**”), a copy of which was recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 0515103085; (e) that certain “Fifth Amendment to Annexation Agreement” dated August 16, 2005 (“**Fifth Amendment**”), a copy of which was recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 0523032093, (f) that certain “Sixth Amendment to Annexation Agreement” dated February 14, 2006 (“**Sixth Amendment**”), a copy of which was recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 0606718036, and (g) that certain “Seventh Amendment to Annexation Agreement” dated September 12, 2006 (“**Seventh Amendment**”), a copy of which was recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 0634939087. On December 15, 2009 the Board of Trustees adopted Resolution No. 09-R-169 approving that certain “Eighth Amendment to Annexation Agreement” dated May 6, 2010 (“**Eighth Amendment**”), a copy of which was recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 1015816050. The Annexation Agreement, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment, the Seventh Amendment, and the Eighth Amendment are collectively referred to as the “**Amended Annexation Agreement**.”

The Developer proposes to expand The Lodge onto Parcel EC-2B and construct between 53 and 65 additional independent senior living units and eight assisted living suites with two beds each (“**Phase IV**”). The Property will be developed with Parcel EC-2A as a single zoning lot for purposes of the Village’s Zoning Code (1988), as amended (“**Zoning Code**”). This expansion will require amendments to the Parcel EC-2A Approvals as well as additional relief from the Zoning Code.

The Property was designated for office use in the Techny Master Plan component of the Comprehensive Plan of the Village of Northbrook (2010) (“**Comprehensive Plan**”), and the Developer has applied for an amendment to the Comprehensive Plan to designate the Property for “Senior or Specialty Residential” use in the Techny Master Plan component of the Comprehensive Plan (“**Amendment**”).

The President and Board of Trustees hereby find that it is in the best interest of the Village and the public to approve the Amendment in accordance with the Northbrook Zoning Code (1988), as amended (“**Zoning Code**”), and pursuant to the Village’s home rule powers.

## Section 2. PUBLIC HEARINGS.

Pursuant to public notice published in the *Northbrook Star* on February 11, 2016 and March 17, 2016, a public hearing was held by the Plan Commission on March 1, 2016 and April 5, 2016 to consider the Developer’s application for the Amendment. The Plan Commission made its recommendation to approve the Amendment on April 5, 2016 (Resolution No. 16-PC-06).

Section 3. AMENDMENT OF THE COMPREHENSIVE PLAN.

The Techny Master Plan component of the Comprehensive Plan shall be, and is hereby, amended by re-designating the land use for the Property as appropriate for Senior or Specialty Residential use, as depicted in ***Exhibit A***, and as legally described in ***Exhibit B***, attached to and by this reference incorporated into this Ordinance, in accordance with Paragraph 11-201 E3 of the Zoning Code and pursuant to the Village's home rule powers.

Section 4. CERTIFICATE OF NOTICE.

Following the Ground Lease Date, the Village Manager is hereby authorized and directed to file a Certificate of Notice of Adoption of this Amendment to the Comprehensive Plan with the Office of the Cook County Recorder in accordance with and pursuant to Paragraph 11-201 E4 of the Zoning Code.

Section 5. EFFECTIVE DATE.

This Ordinance shall be in full force and effect following:

- A. passage by the members of the Board of Trustees by a majority vote in the manner required by law;
- B. publication in pamphlet form in the manner required by law;
- C. the date upon which the Owner provides the Village Clerk with sufficient evidence that it has entered into a valid ground lease with The Lodge NFP or the date upon which such Ground Lease becomes effective, whichever is later ("***Ground Lease Date***"); and
- D. the recordation of the Certificate of Notice, as required by Section 4 of this Ordinance together with such exhibits as the Village Clerk deems appropriate for recordation in the Office of the Cook County Recorder of Deeds.

In the event the events described in Section 5.A through D have not occurred by August 8, 2016, or by such later date as the Board of Trustees may approve by resolution duly adopted, this Ordinance shall automatically, and without any further action by the Board of Trustees, be null and void and of no force or effect.

Adopted: 5/10/2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVED:</b>	James Karagianis, Trustee
<b>SECONDER:</b>	Todd Heller, Trustee
<b>AYES:</b>	Karagianis, Buehler, Heller, Israel, Frum
<b>ABSENT:</b>	Michael Scolaro, Kathryn Ciesla

ATTEST:

/s/ Sandra E. Frum  
Village President

/s/ Debra J. Ford  
Village Clerk

EXHIBIT A  
COMPREHENSIVE PLAN AMENDMENT

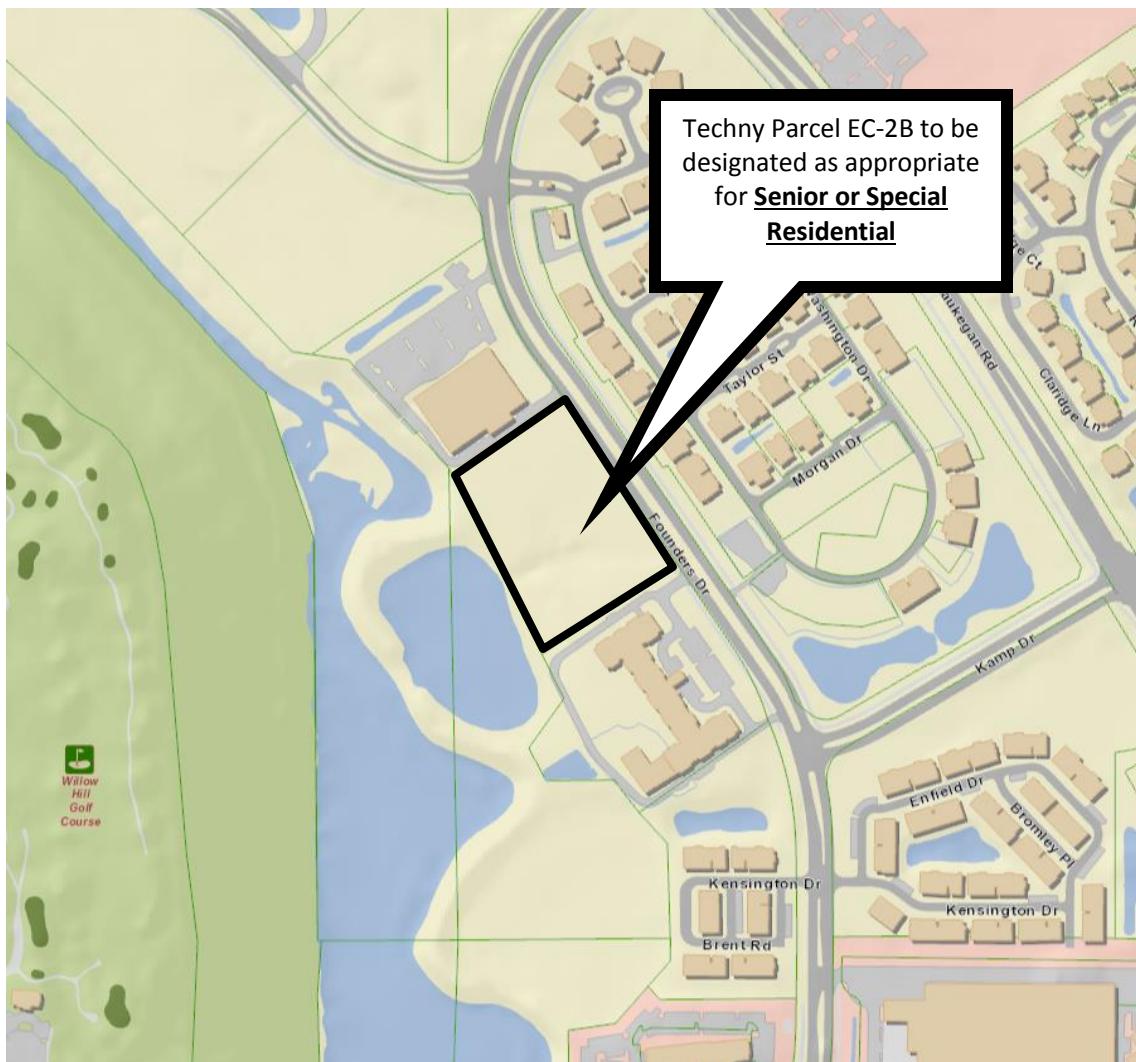


EXHIBIT B

LEGAL DESCRIPTION OF PROPERTY

PART OF LOT EC-2 IN TECHNY PARCELS EC-1 AND EC-2, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 14, AND PART OF THE SOUTHEAST QUARTER OF SECTION 15, ALL IN TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 27, 2004 AS DOCUMENT NUMBER 0405844049 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT EC-2; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT EC-2 THE FOLLOWING FIVE (5) COURSES AND DISTANCES: 1) NORTH 41 DEGREES 07 MINUTES 39 SECONDS WEST, 115.77 FEET; 2) NORTH 89 DEGREES 55 MINUTES 05 SECONDS WEST, 211.02 FEET; 3) NORTH 26 DEGREES 54 MINUTES 49 SECONDS WEST, 102.88 FEET; 4) NORTH 37 DEGREES 42 MINUTES 01 SECONDS EAST, 173.60 FEET; 5) NORTH 26 DEGREES 07 MINUTES 43 SECONDS WEST, 136.72 FEET FOR THE PLACE OF BEGINNING; THENCE CONTINUING NORTH 26 DEGREES 07 MINUTES 43 SECONDS WEST ALONG SAID WESTERLY LINE OF SAID LOT EC-2, A DISTANCE OF 550.76 FEET; THENCE NORTH 56 DEGREES 07 MINUTES 43 SECONDS EAST, 385.88 FEET TO THE EASTERLY LINE OF SAID LOT EC-2, SAID LINE ALSO BEING THE WESTERLY LINE OF HERETOFORE DEDICATED FOUNDERS DRIVE; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT EC-2 THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST AND NONTANGENT TO THE LAST DESCRIBED LINE, HAVING A RADIUS OF 2540.00 FEET, HAVING A CHORD BEARING OF SOUTH 34 DEGREES 18 MINUTES 26 SECONDS EAST, 38.62 FEET TO A POINT OF TANGENCY; 2) SOUTH 33 DEGREES 52 MINUTES 17 SECONDS EAST, 507.11 FEET; THENCE SOUTH 56 DEGREES 07 MINUTES 43 SECONDS WEST, 460.38 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PIN: 14-14-305-004-0000

Common Address: Approximately 5.303 acres of Vacant Land lying West of Founders Drive and Approximately 625 Feet North and West of the Intersection of Founders Drive and Kamp Drive in Northbrook, Illinois