

## **REQUEST FOR BOARD ACTION**

**Agenda Item:** 19-34-2-B

**Subject:** Ordinance Authorizing An Amendment To a Special Use Permit to Permit The Installation Of A New Digital Scoreboard at Deerfield High School In the P-1 District (District 113) - 1R

**Action Requested:** First Reading

**Originated by:** Plan Commission

**Referred to:** Mayor and Board of Trustees

### **Summary of Background and Reason for Request:**

At its April 15, 2019, meeting, the Village Board accepted the Plan Commission report and recommendation regarding the proposed scoreboard; as represented and modified, at the April 15 meeting with the following conditions:

1. Landscaping must be acceptable to the nearby homeowners as represented at the April 15 meeting, within 90 days. District 113 will provide the quantity and height required to mitigate the sight of the scoreboard to the homeowner's satisfaction.
2. With respect to the scoreboard lights, all non-school events would end at dusk.
3. Only six (6) non-athletic, community events per year.
4. No commercial announcements or advertisement during community events.
5. No increase in sound volume from that which exists currently.

### **Reports and Documents Attached:**

Ordinance

Letter Requesting a Waiver of the Second Reading of the Ordinances

**Date Referred to Board:** May 6, 2019

**Action Taken:** \_\_\_\_\_

VILLAGE OF DEERFIELD

ORDINANCE NO. 2019-\_\_\_\_\_

**AN ORDINANCE APPROVING AN AMENDMENT TO A SPECIAL USE PERMIT  
TO PERMIT THE INSTALLATION OF A NEW DIGITAL SCOREBOARD AT  
DEERFIELD HIGH SCHOOL**

**WHEREAS**, Township High School District 113 ("**Owner**") is the owner of the property commonly known as Deerfield High School ("**High School**") located at 1959 Waukegan Road ("**Property**"), which Property is legally described in **Exhibit A** attached and, by this reference, made a part of the this Ordinance; and

**WHEREAS**, the High School is located in the P-1 Public Lands District ("**P-1 District**"); and

**WHEREAS**, pursuant to Section 7.02-A of the "Deerfield Zoning Ordinance 1978," as amended ("**Zoning Ordinance**"), public high schools may be operated in the P-1 District only upon the issuance of a special use permit; and

**WHEREAS**, the Village Board approved a special use permit to permit the Owner to operate the High School on the Property, which special use permit was amended on November 11, 2011 pursuant to Ordinance No. O-11-41, and on March 15, 2003 pursuant to Ordinance No. O-04-14 (collectively, "**Special Use Permit**"); and

**WHEREAS**, the Owner desires to install a new digital scoreboard with a 600 square foot screen to be used in conjunction with the athletic field on the Property ("**Proposed Scoreboard**"); and

**WHEREAS**, pursuant to Section 13.11 of the Zoning Ordinance, the Owner has filed an application with the Village for an amendment to the Special Use Permit to install the Proposed Scoreboard ("**Special Use Amendment**"); and

**WHEREAS**, the Owner also filed an application for an amendment to the Zoning Ordinance to allow for the Proposed Scoreboard to be used for community events up to six times per calendar year ("**Community Events**"); and

**WHEREAS**, a public hearing of the Plan Commission of the Village of Deerfield to consider the Application was duly advertised in the *Deerfield Review* on February 7, 2019 and held on February 28, 2019; and

**WHEREAS**, on February 28, 2019, the Plan Commission adopted Findings of Fact, recommending that the Village Board approve the Application; and

**WHEREAS**, the Village Board has determined that the Special Use Amendment complies with the required standards for special use permits set forth in Articles 13 of the Zoning Ordinance; and

WHEREAS, consistent with the Plan Commission recommendation, the Village Board has determined that it will serve and be in the best interests of the Village and its residents to approve the Special Use Amendment for the Property, in accordance with, and subject to, the conditions, restrictions, and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF DEERFIELD, LAKE AND COOK COUNTIES, ILLINOIS, as follows:

**SECTION ONE: RECITALS.** The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village Board.

**SECTION TWO: APPROVAL OF AMENDMENT TO SPECIAL USE PERMIT.** Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section Three of this Ordinance, the Village Board hereby approves the Special Use Amendment for the Property to allow for the installation of the Proposed Scoreboard, in accordance with, and pursuant to, Article 13 of the Zoning Ordinance and the home rule powers of the Village.

**SECTION THREE: CONDITIONS.** Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Village Code or the Zoning Ordinance, or any other rights the Owner may have, the approvals granted in Section Two of this Ordinance are hereby expressly subject to and contingent upon the redevelopment, use, and maintenance of the Property in compliance with each and all of the following conditions:

- A. Compliance with Regulations. The redevelopment, use, operation, and maintenance of the Property must comply with all applicable Village codes and ordinances, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.
- B. Compliance with Plans. The redevelopment, use, operation, and maintenance of the Property must comply with the plans in **Exhibit B** attached to and, by this reference, made a part of this Ordinance, except for minor changes and site work approved by the Village Principal Planner in accordance with all applicable Village standards.
- C. Other Conditions. The redevelopment, use, operation, and maintenance of the Property must comply with the following additional conditions:
  1. Within 90 days after the installation of the Proposed Scoreboard, the Owner must install and maintain landscaping on or adjacent to the Property to screen the view of the scoreboard and to mitigate the glare from scoreboard from nearby properties pursuant to a landscape plan approved of by the Village Manager after consultation with the North Trail Homeowners' Association.
  2. All Community Events that involve the use of the Scoreboard must end by sundown.

3. The Scoreboard shall not be used for more than six Community Events per year. For purposes of this Ordinance, a “*Community Event*” shall mean events other than athletic events involving a Deerfield High School athletic team.
4. The Proposed Scoreboard shall not display commercial advertisements or messaging during Community Events.
5. The volume of the public address system and any other amplified sound used in conjunction with athletic events or Community Events on the Property must not be increased from the volume used on the Property as of the effective date of this Ordinance.

**SECTION FOUR: RECORDATION; BINDING EFFECT.** A copy of this Ordinance shall be recorded in the Office of the Lake County Recorder of Deeds against the Property. This Ordinance and the privileges, obligations, and provisions contained herein run with the Property and inure to the benefit of, and are binding upon, the Owner and its personal representatives, successors, and permitted assigns.

**SECTION FIVE: FAILURE TO COMPLY WITH CONDITIONS.** Upon the failure or refusal of the Owner to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the approvals granted in Section Two of this Ordinance (“*Approval*”) may, at the sole discretion of the Village Board, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Board may not so revoke the Approval unless it first provides the Owner with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Board. In the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. Notwithstanding the foregoing or anything else contained in this Ordinance, neither the Owner’s failure to comply with this Ordinance, nor anything else contained herein, shall effect or restrict Owner’s rights to use the Property as otherwise permitted by the Zoning Ordinance.

**SECTION SIX: AMENDMENTS.** Any amendment to any provision of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance for the granting of special use permits.

**SECTION SEVEN: EFFECTIVE DATE.**

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
  1. Passage by the Village Board by a majority vote in the manner required by law;
  2. Publication in pamphlet form in the manner required by law;

3. The filing by the Owner with the Village Clerk of a fully executed Unconditional Agreement and Consent, in the form of **Exhibit C** attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance; and
4. Recordation of this Ordinance, together with such exhibits as the Village Clerk deems appropriate for recordation, with the office of the Recorder of Lake County.

B. In the event the Owner does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 7.A.3 of this Ordinance, within 30 days after the date of final passage of this Ordinance, the Village Board will have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

AYES:

NAYS:

ABSTAIN:

ABSENT:

PASSED:

APPROVED:

ORDINANCE NO.

\_\_\_\_\_  
Harriet Rosenthal, Mayor

ATTEST:

\_\_\_\_\_  
Kent S. Street, Village Clerk

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

THAT PART OF THE SOUTH HALF OF SECTION 20, TOWNSHIP 43 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES EAST OF THE EASTERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILWAY COMPANY, AND EAST OF WAUKEGAN ROAD, ALSO KNOWN AS ROUTE 42A, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20; THENCE WESTERLY ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SECTION 20, 2,838.30 FEET TO THE EASTERLY BOUNDARY OF WAUKEGAN ROAD (ROUTE 42A); THENCE SOUTH EASTERLY ALONG THE EAST BOUNDARY OF WAUKEGAN ROAD (ROUTE 42A), 1,436.11 FEET; THENCE EASTERLY PARALLEL WITH THE NORTH LINE OF THE SOUTH HALF OF SECTION 20, 2,333.73 FEET TO THE EAST LINE OF THE SOUTH HALF OF SECTION 20, 1,347.59 FEET TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

P.I.N. 16-20-400-009-0000 AND 16-20-400-002-0000.

**EXHIBIT B**

**PLANS**

## EXHIBIT C

### UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Deerfield, Illinois ("**Village**");

**WHEREAS**, Township High School District 113 ("**Owner**") is the owner of the property commonly known as Deerfield High School ("**High School**"), 1959 Waukegan Road ("**Property**"), which Property is legally described in **Exhibit A** attached and, by this reference, made a part of the this Ordinance; and

**WHEREAS**, the High School is located in the P-1 Public Lands District ("**P-1 District**"); and

**WHEREAS**, pursuant to Section 7.02-A of the "Deerfield Zoning Ordinance 1978," as amended ("**Zoning Ordinance**"), public high schools may be operated in the P-1 District only upon the issuance of a special use permit; and

**WHEREAS**, the Village Board approved a special use permit to permit the Owner to operate the High School on the Property, which special use permit was amended on November 11, 2011 pursuant to Ordinance No. O-11-41 and on March 15, 2003 pursuant to Ordinance No. 0-04-14 (collectively, "**Special Use Permit**"); and

**WHEREAS**, the Owner desires to install a new 600-square-foot digital scoreboard to be used in conjunction with the athletic field at the Property ("**Proposed Scoreboard**"); and

**WHEREAS**, pursuant to Section 13.11 of the Zoning Ordinance, the Owner has filed an application with the Village for an amendment to the Special Use Permit to install the Proposed Scoreboard ("**Special Use Amendment**"); and

**WHEREAS**, the Owner also filed an application for an amendment to the Zoning Ordinance to allow the Proposed Scoreboard to be used for up to six community events ("**Community Events**") on the Property; and

**WHEREAS**, Ordinance No. \_\_\_\_\_, adopted by the Village Board on \_\_\_\_\_, 2019 ("**Ordinance**"), grants the Special Use Amendment; and

**WHEREAS**, Section 7.A.3 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Owner has filed, within 30 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

**NOW, THEREFORE**, the Owner does hereby agree and covenant as follows:

1. The Owner hereby unconditionally agrees to, accept, consent to, and will abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.

2. The Owner acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility

of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Owner acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting the Special Use Amendment or adoption of the Ordinance, and that the Village's approval of the Special Use Amendment does not, and will not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time.

4. The Owner hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the Special Use Amendment.

Dated: \_\_\_\_\_, 2019.

ATTEST:

**TOWNSHIP HIGH SCHOOL DISTRICT  
113**

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_



Athletics Department  
1959 N. Waukegan Road  
Deerfield, IL 60015  
(O) 224-632-3110  
(F) 224-632-3701

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Athletic Director: Robert Ruiz, CMAA

Assistant Athletic Director: Nathan Flannery, CAA

April 30, 2019

Mayor Harriet Rosenthal  
And Village of Deerfield Trustees  
Village of Deerfield  
850 Waukegan Road  
Deerfield, IL 60015

Dear Mayor Rosenthal and Board of Trustees:

On behalf of District 113, we would like to thank you all for your recent approval of the report on 4/15 of the proposed digital scoreboard at DHS. As you know there will be a myriad of benefits to the student/athlete and the community for years to come.

As mentioned during the 4/1 Village of Deerfield Hearing, District 113 with the assistance of the DHS Athletic Booster Club were scheduled to present at the District 113 School Board Meeting on 4/15; however, that meeting conflicted with the village hearing so we could not attend. We requested and are confirmed to be on the 5/20 District 113 School Board Agenda. During this meeting, the DHS Athletic Booster Club will be requesting that District 113 accept the gift of the proposed digital scoreboard.

With the first reading of the amendment to the special use permit with text amendments scheduled for May 6<sup>th</sup> District 113 would like to respectfully request a waiver of the second reading of the amendment to the special use permit with text amendments. The waiver of the 1<sup>st</sup> reading will enable District 113 with the assistance of the DHS Athletic Booster Club to avoid future meeting conflicts between the Mayor/Board of Trustee Meetings and School District 113. Otherwise both District 113 and the DHS Athletic Booster Club will not be able to attend the 5/20 Mayor/Board of Trustee Meeting and would have to attend the subsequent Mayor/Board of Trustee Meeting on 6/3.

The DHS Athletic Booster Club is targeting a date in the Fall of 2019 to have the digital scoreboard operational. Securing/finalizing proper documents, permits, and finalizing our financial agreements will take some time, these crucial few weeks of additional lead time will improve the likelihood of meeting our dates. It is estimated that the scoreboard will take 6-8 weeks from contract acceptance to completion. This will also, hopefully, allow for final approvals by Mayor/Board of Trustee Meetings prior to our 5/20 School District 113 meeting.

Thank you again for your support and we hope this request will be entertained.

Warm Regards,

Robert Ruiz  
DHS Athletic Director

cc: Larry Letwat, Co-President DHS Athletic Booster Club