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Via email:

plancommissioncomment@deerfield.il.us

Deerfield Plan Commission
Deerfield Village Hall
850 Waukegan Road
Deerfield, IL 60015

Re: April 27, 2023 Public Hearing on an Application of Market RE Acquisitions, LLC, affiliate of Bridge Industrial, regarding zoning and development of property at 1 Baxter Parkway

Dear Commissioners:

I represent the Thorngate Owners Association and its Board of Directors ("Thorngate"). Thorngate is an owners' association of the 305 homes in the Thorngate subdivision in the Village of Riverwoods. The community is located across the street from the subject property and will be significantly and materially adversely impacted in a variety of ways by the proposed construction and operation of a 24/7 warehouse and distribution facility with a motor freight terminal (the "24/7 Freight Terminal").

Thorngate is an objector to the 24/7 Freight Terminal. As the objector's counsel, I request to be the first speaker during the Public Comment period, or to address the Plan Commission at an earlier point during the hearing. I request an opportunity to address the Plan Commission for a period exceeding the 3-minute time limit otherwise imposed on individual speakers under Article IV, Section 10 of the Plan Commission's Rules of Procedure.

The 24/7 Freight Terminal will have substantial adverse effects and impacts on the lives of the Thorngate residents. The Plan Commissioners have already received numerous emails from concerned residents of Thorngate and others in the Deerfield and Riverwoods communities about a myriad of issues, including concerns about safety/traffic, environmental and economic impacts. I have reviewed the application and its supporting materials. The application is devoid of supporting information and data upon which the Plan Commission could make all of the necessary findings of fact in connection with the standards for approving either a rezoning or a planned unit development. On Thursday, I will address several areas of concern and questions about this proposed development, all of which pertain to the adverse impacts of the development on property values and public health, safety and general welfare, and all of which are central to the

mandatory standards for approving the zoning and entitlements for the 24/7 Freight Terminal. The areas of deficiency include, but are not limited to:

- Impacts on Traffic Conditions Due to Site Access, Interior Site Design and Warehouse Operations: KLOA's Traffic Impact Study does not consider the possible and likely backups and queuing on Saunders Road and other impacts on traffic conditions on Saunders and Lake Cook Roads resulting from site and building designs and from warehouse operations. For example:
 - Most warehouse facilities of this size are in industrial parks which provide frontage roads and other areas where trucks can queue in times of disruption or as they await admittance to the site for their dock time. Here, idling trucks have nowhere to go other than Saunders Road.
 - Truck backups on Saunders Road are highly likely if truck check-in at security gatehouses would occur within a security perimeter at the single point of ingress/egress at Saunders Road. All cars and trucks will proceed through the entry gatehouse, creating a bottleneck at peak hours.
- Noise Pollution. The neighborhood will be transformed by new realities: squealing air brakes and groaning engines; idling and accelerating diesel engines spewing nitrous oxides; queued trucks spilling into Saunders Road as they wait to clear a security gate; and trucks parked along local roads in early morning hours or circling through neighborhoods waiting for their designated dock to be available. Without further evaluation of the magnitude of possible noise impacts and consideration of mitigation measures, how can Bridge Industrial assert that the operation of a warehouse distribution facility of this magnitude will not significantly or materially be detrimental to the general welfare of the community?
- Air Pollution. Air quality and other environmental impacts from the operation of industrial warehouses with motor freight terminals must be evaluated. These issues pertain directly to the PUD standard that requires a determination, based on facts, as to whether the PUD will not be significantly or materially detrimental to or endanger the public health or general welfare of the community. The application has not offered any evidence pertaining to any environmental impact externalities. In fact, its response to this PUD standard does not even address how or whether the project presents any impacts on public health or general welfare of the community. Without any evidence to weigh, the Plan Commission cannot make the necessary findings in response to this PUD standard.
- Residential Property Values: The application fails to address or provide any evidence with respect to impacts on property values in the neighborhood. The applicant offers a "Property Tax Pre-Acquisition Due Diligence Report" which analyzes property tax implications for the subject property's own taxable value and tax revenue forecasts, but the application lacks any statement or data with respect to the impact of the 24/7 Freight Terminal to property values of nearby properties. Without data, how is the Plan Commission supposed to make findings of fact as to whether the proposed PUD will diminish or impair property values within the neighborhood?

The Public Hearing Should Be Continued to June 8, 2023 to Allow the Objector to Prepare Evidence and Testimony

Thorngate requests a continuance of this public hearing to June 8, 2023 in order that Thorngate may engage expert witnesses and prepare evidence and testimony in response to the applicant's proposal. Thorngate has allocated significant funds along with other interested residents, to engage various subject matter experts to further evaluate the 24/7 Freight Terminal.

With respect to the standards for granting a rezoning, Thorngate will provide additional evidence addressing the suitability of the property for this type of industrial use. The objector intends to provide evidence addressing the trend of development in the general area of the property. With respect to the standards for approving a planned unit development, Thorngate intends to provide evidence to support its contentions, including but not limited to: (i) that the project will significantly and materially be detrimental to and endanger public health, safety and welfare of the community, (ii) that the project will be injurious to the use and enjoyment of other property, and (iii) that the property will diminish or impair property values within the neighborhood.

The Application is Missing Mandatory Materials; The Public Hearing Must be Continued.

The application is missing several required pieces of information that are mandatory and necessary for the Plan Commission's review and consideration. Bridge Industrial is requesting concurrent review and approval of a Preliminary Development Plan and a Final Development Plan for a Planned Unit Development, but Bridge Industrial has not provided to the Plan Commission a number of required documents necessary for its consideration of a Final Development Plan. It is premature for the Plan Commission to conduct the public hearing without having received these documents and having adequate time to review them. Therefore, a continuance of this matter is warranted, and the applicant should be directed to furnish the materials prior to the public hearing.

The required components of a Final Development Plan are set forth in Section 12.09-F: "A Final Development Plan shall be submitted to the Plan Commission ... [and] shall also include the following: ...

j. Final agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the Planned Development and any of its common areas or other common facilities. ...

l. ... a letter from the Village Engineer in accordance with Section 3-101 of the Development Code. [Sec. 3-101 of the Development Code requires that the Village Engineer "provide the Plan Commission and the Mayor and Board of Trustees with a letter which indicates he has received all of the appropriate final engineering plans and that they have been approved by his office. ... The Village Engineer shall also verify that the documents granting any required easements are satisfactory for the purposes for which they are required and meet with his approval."]

m. Proposed Development Agreement in accordance with the Deerfield Development Code." [With respect to a Development Agreement, Section 3-102 of the Development Code mandates (i) that a Development Agreement is required as part of the Planned Unit Development Final Development Plan; (ii) that the Director of Community Development and Village Engineer review the proposed Development Agreement and provide the Plan Commission their recommendations regarding the agreement; and (iii) that the Plan Commission shall review and make recommendations to the Board of Trustees regarding the proposed Development Agreement.]

All the above-listed items are missing from the Plan Commission's packet of information. application. The Zoning Ordinance mandates that each of these items be submitted to the Plan Commission in connection with and prior to the Plan Commission's review and recommended approval of Final Development Plans. (See Sec. 12.09-F.3.a.) Accordingly, until Bridge Industrial submits the above-listed items this matter is not ripe for full consideration and the public hearing should be continued.

For all of the foregoing reasons, the Plan Commission should continue the public hearing until such time as the applicant has satisfied the mandatory requirements for its several requests for zoning approval and to provide adequate time for the objectors to evaluate the proposal and prepare evidence and testimony for the Plan Commission's consideration.

Sincerely,



David Meek

cc: (via email)

Board of Directors, Thorngate Owners Association

Jeffrey Ryckaert and Daniel Nakahara, Village of Deerfield