

CORRESPONDENCE FROM NEIGHBORS  
AS OF JUNE 22, 2018

**From:** [Jeff Ryckaert](#)  
**To:** [Daniel Nakahara](#)  
**Subject:** Deerfield Neighbors Letter to IHDA  
**Date:** Thursday, June 21, 2018 9:00:01 AM  
**Attachments:** [DNRZ letter to IHDA re Zion Woods April 12 2018.pdf](#)

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**From:** Chris Canning <canningchris@comcast.net>  
**Sent:** Thursday, April 12, 2018 1:36 PM  
**To:** Jeff Ryckaert <jryckaert@deerfield.il.us>  
**Subject:** Deerfield Neighbors Letter to IHDA

Dear Jeff,

My clients asked that I send you a copy of the letter I have sent to the IHDA regarding the Zion Woods development. My clients ask that you share the letter with the Plan Commission and the Village Board when the Zion Woods matter heard again. Thank you for your assistance with this request.

Chris Canning

Christopher S. Canning, Esq.

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April 12, 2018

**VIA EMAIL**

King Harris  
Chairman, Illinois Housing Development Authority  
c/o Christine H. Moran  
111 E. Wacker, Suite 1000  
Chicago, Illinois 60601

**RE: 11196 – Zion Woods**

Dear Chairman Harris and members of the Board of Directors:

I am writing this letter on behalf of my clients, Deerfield Residents for Responsible Zoning, in opposition to the proposed Zion Woods project located at 10 East Deerfield Road in Deerfield, Illinois. It is my understanding that this matter will be considered at your upcoming Board meeting.

My clients are opposed to this project for a variety of reasons, but primarily the unprecedented request to rezone the Zion Evangelical Lutheran Church's property. At its most fundamental level the developer's plan for the Zion Woods project would destroy the integrity of Deerfield Comprehensive Plan and Zoning Ordinance. Currently the property is zoned R-1 (Single Family) and the development team is requesting to rezone the property to R-5 (Multi-Family). The Zion property has been zoned R-1, the lowest single-family density possible, ever since the church was established. My clients and other homeowners purchased their homes, and have continued to live in them, in many instances more than 35 years, in reliance on that zoning. Their reasonable expectation, based on the Village's Comprehensive Plan and Zoning Ordinance, was that if the church's property were ever developed, it would continue to be an institutional use or would become single-family homes like the adjoining neighborhood. To now propose housing for 25 families in two multi-family apartment building where, under the adjoining R-1 zoning, only 5 or 6 families in single family homes likely would be possible, significantly impacts the essential character of the adjoining Deerfield neighborhood.

In the coming months, my clients will be asking the Deerfield Plan Commission and Village Board to deny the Zion Woods project. They also ask that you deny the developers' application to provide funding for that project. Before each of these boards and your agency, my clients ask the each entity focus on the fundamental zoning at issue that has been relied on by Deerfield residents for decades and how that zoning will be turned on its head if the application is granted.

On its face, the Zion Woods proposed development fails to comply with both Deerfield's October, 2004 Comprehensive Plan and its Planned Unit Development Ordinance. Figure 2.1 of the Comprehensive Plan "Existing Land Use Map" identifies the Zion Church property as an existing institutional use. In Figure 3.1 identifying "future" uses throughout the Village (as updated though May 23, 2017), the Zion Church parcel remains an institutional use. This institutional use abutted a residential neighborhood. The Comprehensive Plan describes residential neighborhoods in Deerfield as "among the community's greatest assets." (Comp. Plan Sec. 2.4). The Plan specifically states: "Quality construction, low average density, and small scale development in the residential area are seen as important factors which should be preserved in older neighborhoods and created in new ones." (Comp. Plan Sec. 2.4). The proposed Zion Wood development achieves none of these goals and threatens the viability of the neighborhood.

With respect to Deerfield's Community Vision, the Comprehensive Plan sets forth a specific vision that must be considered when assessing the Zion Woods development. The Plan states: *Deerfield is a beautiful, friendly, livable and safe community where people know each other and all age groups work collaboratively with Village government. Superlative schools, municipal services and infrastructure attract new families who become long-time residents. Stable residential neighborhoods, intertwined with open space, age gracefully, providing a varied housing stock that meets the needs of an increasingly diverse population. Residential neighborhoods are intertwined with open space and provide a varied housing stock. Deerfield has a strong sense of place with economically vibrant commercial areas and gathering places for residents. The spacious suburban character and the quiet atmosphere of Deerfield's residential neighborhoods are among the community's greatest assets. Deerfield's small town character, with its residential neighborhoods, outstanding schools and mix of compatible commercial and community uses maintains strong property values. (Emphasis added)*

With this as the Vision for the community, Deerfield's Comprehensive Plan recognizes generally the "need for affordable housing within the Village" and presumably balances that need with the specifically articulated Goal of the Plan to "Maintain the variety of the existing housing stock and supplement it in suitable locations with safe, well-constructed housing of a density\*, scale\* and character compatible with adjacent housing." (Emphasis added, asterisks in original). (Comp. Plan, Section 3.3, p. 29, a copy of which is attached as Exhibit A) In furtherance of this goal and to meet the Objective of maintaining "the desirability of Village neighborhoods," the Comprehensive Plan articulates a policy to "protect residential areas from incompatible uses through effective land use controls, proper screen and buffering."

To achieve this goal, the Plan states an Objective to "accommodate new housing in a manner that does not adversely impact the residential character of the Village." To achieve that Objective, the Plan sets forth two key policies: "Encourage only those developments which conform to the

Land Use Map and which are thoughtfully designed with respect to traffic generation, traffic patterns, topographical and drainage conditions and small scale\* of existing developments” and “Encourage redevelopment that is designed to be compatible with adjacent development.” The construction of two 33-foot tall buildings with 25 apartments can hardly said to be consistent “density, scale and character” of the “adjacent housing” -- single-family homes on half-acre lots. Moreover, the granting of any application by the Plan Commission or Village Board would amount to a utter failure “to protect residential areas from incompatible uses through effective land use controls” as called for in the Comprehensive Plan.

Aside from the Zion Woods project’s failure to comply with the material and relevant aspects of the Comprehensive Plan, the plan also fails to meet the Planned Unit Development (“PUD”) Ordinance adopted by the Village of Deerfield. Under that Ordinance, a PUD shall not be recommended for approval unless the Plan Commission makes six specific findings. (Article 12.01.) In the section dealing with “Effect on the Neighborhood,” the Plan Commission must find that the PUD “will not be injurious to the use and enjoyment of other property.” The density of the proposed project is plainly at odds with the density of the surrounding properties and, consequently, will be injurious to my clients’ enjoyment and use of their property. The second part of that section provides that a PUD shall not “diminish or impair property values in the area in which it is to be located.” (Article 12.01-E.2.) It is beyond question that constructing multi-family apartment buildings in such close proximity to the single-family homes will undoubtedly impair the value of those single-family homes. At the upcoming Plan Commission meeting, my clients will present evidence of how the proposed development has already diminished property values in the neighborhood.

My clients ask IDHA and will be asking the Plan Commission and Village Board in the coming months to deny the application. To fund this project or to grant the application will set an appalling precedent and demonstrate to Deerfield residents that they can no longer rely on well-established zoning decisions, rules and policies adopted over the last several decades. In short, funding this project or granting the application will call into question the integrity of Deerfield’s Comprehensive Plan and Zoning Ordinance and make it much easier for the next developer to seek to change the single-family character of village neighborhoods. If this were to happen the Vision of the Community stated in the Comprehensive Plan will simply be hollow words on paper without any force of law or community consensus behind them.

April 12, 2018

Page 4

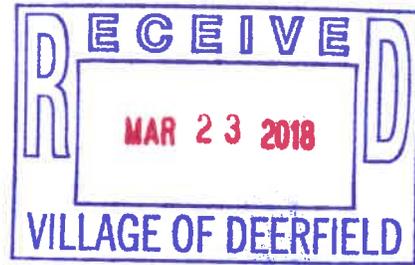
Should you have any questions, please do not hesitate to call or e-mail me at [chris@canninglegal.com](mailto:chris@canninglegal.com) or contact me at 847-853-7040. Thank you for your consideration of my clients' request.

Very truly yours,



Christopher S. Canning

Cc: Deerfield Residents for Responsible Zoning  
Dan Nakahara and Jeff Ryckaert, Village of Deerfield  
Village of Deerfield Plan Commission  
Village of Deerfield Board of Trustees



March 20, 2018

Daniel Nakahara  
Village of Deerfield  
Associate Planner  
850 Waukegan Road  
Deerfield, Illinois 60015

Dear Mr. Nakahara,

The Villas of Highland Park received an email from a concerned resident regarding the proposed development of the property north of Zion Lutheran Church. As the management for The Villas, we were contacted to address their concerns about the proposed development.

Zion Luther Church is located between The Villas and Heather Road, with the canal (middle fork of the north branch of the Chicago River) located between The Villas property and the church's property. We are aware that the church's property floods from the canal when there is a heavy rain, but thankfully The Villas property never has. The Villas concern is that the contour or grading of the church's property will be changed during the development so that they stop flooding but will then cause The Villa's property to flood.

We need to be ensured that the flooding of The Villa's property will not occur if any changes are made with the church's property and request your assistance with this.

Please contact me with any issues, concerns, or questions you may have. We appreciate your understanding and cooperation in this matter.

Sincerely,

Debbie Nissen  
Property Manager

Cc: Joel Fontane  
Director of Community Development  
Highland Park, IL

**From:** David Unger  
**To:** [Daniel Nakahara](#)  
**Cc:** [Rebecca Soldwisch](#)  
**Subject:** Please note our strong opposition to a multi unit development on the Zion Lutheran Church property  
**Date:** Wednesday, May 16, 2018 6:41:24 AM

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Dear Mr. Nakahara, Deerfield Planning Commission and Mayor Rosenthal,

We are writing in 2018, as we did in 2015 and again in 2017, to express our **vehement opposition** to the proposed construction for multi-unit housing by Zion Lutheran Church, located at 10 E. Deerfield Road.

This is the same letter - nothing has changed - if anything conditions have worsened. Maybe the applicant is hoping that people will forget or become complacent. We can only hope the Village will remain diligent in protecting its residents.

It is simple - we continue to feel that adding multi unit housing on land north of the church remains detrimental on many levels for our community . It still remains smack in the middle of the floodplain and will be a traffic juggernaut.

Our concerns for our neighborhood remain the same as every other time this project was proposed.

**Infrastructure is insufficient:** Preexisting issues regarding traffic along Deerfield Road (a vital east/west thoroughfare), and aging infrastructure servicing water, sewage and drainage needs would become further stressed if a zoning change were to be allowed for Zion to build multi-family housing on arable land not meant to support the density.

**Traffic Dangers:** Adding even the smallest amount of extra automobiles entering and exiting on Deerfield Road could increase traffic and create dangerous driving conditions. We still don't know the impact Elysian Way will have on traffic, any traffic study they present could not possibly show a clear and definitive picture of the impact the proposed project would have on traffic.

**Flood Impact:** Building in a floodplain is NEVER advisable. In early July 2017 – the entire village was impacted by just a few hours of rain that flooded streets, homes and caused infrastructure collapse due to downed trees. Storms like the one we experienced are becoming more common not less. In fact, this tract of land—which is well within the high risk flood zone—flooded all the way up to the parking lot of the church. I've seen the pictures a concerned neighbor posted to the Planning Commission, and I would advise that all on the commission take a serious look at them to consider what housing on that land would look like. We don't feel it is acceptable to gamble that Deerfield Road could end being closed to traffic like Lake Cook Road was last year until water receded . We believe Deerfield should adhere to the most basic principle of floodplain management “that development must not increase the flood hazard on other properties”. Redrawing the floodway adjacent to this major roadway by decreasing arable land is very dangerous.

**Home values:** the flooding along the river has already caused many homes in the floodplain to be devalued based on recent sales in the area. Any plans to shift the flooding will endanger more homes.

We are past understanding or admiring what the Zion congregation aims to create - their choice of location is still terribly, terribly flawed and puts dozens more at risk for the benefit of the few. We ask that you **not approve** the required zoning change for this site that would lead to degradation of the floodway, endanger users of Deerfield Road and its sidewalks, increase housing density, and upend decades of zoning enforcement.

Approval of this project will hasten our exit of the community.

Sincerely,  
David Unger and Rebecca Soldwisch  
1009 Meadowbrook Lane

Do not take lightly small good deeds, for drops of water one by one, in time can fill a giant pot. ~ Patrul Rinpoche

**From:** Michael Brandess  
**To:** [Daniel Nakahara](#)  
**Subject:** Zion Lutheran Church - June 28, 2018 Meeting  
**Date:** Wednesday, June 13, 2018 10:21:47 AM

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Dan:

It was a pleasure speaking with you this morning. As I mentioned, my family and I live in the North East quadrant of Deerfield.

I just learned of the Zion Church's renewed effort to rezone part of its land for low income housing. I was at the hearing on this issue when it came up last and, in introducing myself to others present at the meeting, found that a number of the members of the church were not from Deerfield.

It is my assessment that most of my neighbors, who live near the church and would be affected by the rezoning, are against the proposal. We are not heartless people, but instead people who have endured increasing real estate taxes, cluttered classrooms, and battered roads.

At this point, my immediate concern is that the meeting, being held on a Thursday night before a holiday weekend, may drive down attendance from Deerfield residents. I would respectfully ask that the commission consider rescheduling the meeting to later in July when there is less of a risk that Deerfield residents would not be able to attend.

My thanks,

Michael Brandess

**From:** Yaniv Zilberman  
**To:** [Daniel Nakahara](#)  
**Subject:** Zion Proposal  
**Date:** Friday, June 22, 2018 11:54:55 AM

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I live on Standish Drive in Colony Point and very much object to the Zion Church proposal (again). It does not take into account the impact on taxes, traffic, water, etc. Not sure why a Church should be trying to drive any rezoning initiative without taking into account how the rest of the neighborhood is zoned around them.

Thanks,  
Yaniv Zilberman

**From:** Brad Belden  
**To:** [Daniel Nakahara](#)  
**Subject:** Zion Woods  
**Date:** Friday, June 22, 2018 2:25:45 PM

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Hi Dan,

Just want to let you know our thoughts here. We adimitelay oppose to rezoning the property. Just don't see the need in DT deerfield. Thanks for your work.

Brad Belden  
17 Larkdale E. Rd  
Deerfield, IL 60015

**From:** Jonathan Dien  
**To:** [Daniel Nakahara](#)  
**Cc:** [Heather Dien](#)  
**Subject:** June 28 Public Hearing  
**Date:** Friday, June 22, 2018 10:48:31 AM

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To Whom It May Concern,

We live at 915 Heather Road, one of the properties that back up to the Zion Church Property. We moved here four years ago and did not take buying a house lightly. We looked for almost two years for the perfect place to raise our family, and when we saw our current home, we knew it was the one. We saved for years to make the single most significant financial decision of our lives and now feel the value of our home and our investment is on the line. One of the major selling points of our house was the neighborhood. Coming from the city, surrounded by apartment buildings we wanted to find a place that felt like a neighborhood, not a city block. The place we fell in love with captured our idea of a home but it had another benefit - a view. A beautiful open space where we see deer roam freely daily and boy scouts camping in the summer. We were aware that the land could one day be developed, despite it being on a flood plain and flooding everytime it poured. However, we were promised that it would be single-family homes as it was zoned R-1 - not apartment buildings.

It was one year after moving in that we first heard about the Zion Woods Proposal, we felt deceived and angry. With the plans having our beautiful neighborhood replaced with views of apartment buildings, parking lots, dumpsters, fire truck turnarounds, retention basins, the threat of more traffic (if possible) on Deerfield Road. This is not in character with the density of the surrounding neighborhoods. Additionally, it has had an impact on the value of our home and neighborhood. There have been three homes sold on our side of the street since this proposal took shape. They all sold for considerable losses and sat on the market for months, while homes on the south side of the block sold quickly for much higher values. It is not a coincidence.

The one thing we agree on with this proposal is the need for more affordable housing in the area. There have been so many apartments that have been built since this proposal came to light, why have none of them included workforce housing? If it's such a priority for the village why hasn't it been pursued elsewhere? As mentioned before, we would fully support this development if it worked with the comprehensive plan and r-1 zoning - single-family homes or cottages. Why is this not possible?

Four years ago the village made a promise to us when we purchased our home; we are asking you to please keep this promise.

Thank you,

Heather and Jonathan Dien  
915 Heather Road

**From:** Maureen Darnaby  
**To:** [Daniel Nakahara](#)  
**Subject:** June 28 Public Hearing  
**Date:** Friday, June 22, 2018 10:19:21 AM

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Dear Plan Commission,

I recently received the required notice of Public Hearing for the property that borders my backyard, that being Zion Lutheran Church at 10 Deerfield Rd. As I am unable to attend the meeting, I would like to comment in writing regarding their proposal.

I strongly believe that rezoning the property for any sort of multi-family housing on this piece of land is wrong. I purchased my home in 1991 and raised my family there with the understanding that I had made a wise investment in my property. The idea that my bordering neighbor would request a zoning change from R-1 to R-5 was inconceivable.

The precedent that would be set by this change would reflect poorly on the Village. Creating a high-density multi-family development of any sort in the midst of single family residences is not in keeping with the character of the neighborhood. Not only is the spot zoning unacceptable, but the addition of such a large amount of impermeable surface on a flood plain - that being 2 large buildings and a massive amount of pavement for the additional parking required - would create a nightmare when we experience heavy rains. There have been numerous times when the flooding has reached the edges of my neighbor's yard. No amount of retention ponds would accommodate the resulting floods.

Incorporating workforce and special needs housing in the Village is a reasonable request that must be thoroughly investigated and thought out. While Zion Church's statement that they desire to give back to the community is admirable, this is not the way or place to do so. And while there have been several residential developments in Deerfield since the Church initially proposed this concept in December of 2014, it is my understanding that none have included workforce or special needs housing. The Village must explore other options that would not require such an extreme change in zoning or create such a huge impact on the neighbors.

Please do not betray our neighborhood by allowing this extreme request. There are other ways and places to responsibly provide workforce and special needs housing in the Village. Let's work together as a team to explore those options.

Maureen Darnaby  
905 Heather Rd.

**From:** eflawsklare@gmail.com  
**To:** [Daniel Nakahara](#)  
**Subject:** Opposition To Proposed Zion Woods Proposal  
**Date:** Friday, June 22, 2018 10:52:06 AM

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Dan- My name is Richard Sklare. My parents moved into Deerfield in 1968. To say i have witnessed a lot of change in Deerfield in my 50 years of residency here would be an understatement. One of the reasons i chose to raise my family in Deerfield was the outstanding schools. Of course, we know that said education is not truly free as our property taxes are significant. But, that is the decision all property owners have made. Now we have this Zion Woods proposal. The project is geared toward families. Not empty nesters or retired individuals. The additional children added to our school system, will be paying nothing for said education. Their parents will get a free ride on the taxpayer back. This is not fair or reasonable. People save and scrimp to be able to purchase a home in Deerfield so that their children can benefit from our outstanding schools. Why should these folks not be a part of the tax role. Now, of course let's talk about all the money in rent collection that the Developer will make. No one seems to want to talk about this. Of course the Church may have altruistic motives, but not the developer. Pure profit is the motive. Dan, vote no on this proposal. Let the Church build houses property that can add to the tax roles. Deerfield has been under attack from many angles with the advent of McMansions pushing people out and all the proposed development. Keep Deerfield for its tax paying residents, not for the profit of developers. Thank you. Richard Sklare, 600 Bent Creek Ridge.

**From:** Robert Seeley  
**To:** [Daniel Nakahara](#)  
**Subject:** Zion Woods  
**Date:** Friday, June 22, 2018 12:42:40 PM

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Dear Sir,

Why are those in charge of housing in Deerfield constantly trying to make a silk purse into a cow's ear? Several years ago when vacant farmland on Deerfield Road became available, it was sold to a developer who thus far has erected two homes which I believe are priced in million dollar range. Is the urge to build multi unit buildings to compensate? Deerfield is a Pleasant place to live. Let us keep it that way. Congestion is bad and growing. Let us not make it worse.

**From:** Limore Zilberman  
**To:** [Daniel Nakahara](#)  
**Subject:** Zion Church Project  
**Date:** Friday, June 22, 2018 10:37:16 AM

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I am a Colony Point resident and objecting to the Zion Church proposal in totality. Like all of us residents stated last year, the building plans are not conducive to the area as it relates to increased traffic, increased water supply to the creek, increased number of kids into the Kipling school district, etc.

I hope you are taking into consideration the voice of the tax paying residents of Deerfield that do not support these plans.

Thanks,  
Limore  
312-968-1200 (cell)

**From:** Harvey  
**To:** [Daniel Nakahara](#)  
**Subject:** Zion church property  
**Date:** Friday, June 22, 2018 11:00:49 AM

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Hi Dan:

I hope that you are finding the challenges at the other side of the corridor at Village Hall interesting. That said, as a resident of Deerfield living on Heather Road, we find it unconscionable that our Village should provide Zion Church with the ability to rezone their property to the detriment of owners of adjacent properties.

It seems that a better use would be for the church to expand their church as was their original intent. If the Church wishes to provide affordable housing then they should find a location not surrounded by expensive, highly taxed homes, and where the venue is more appropriate.

This is turning out to be a zero sum solution whereby Zion wins and neighbors will suffer.

Please have the board consider the fairness to our homeowners who purchased homes knowing that the area would not change and in fact would be hurt economically and aesthetically.

Harvey Herman  
Shari Herman  
1135 Heather  
Deerfield, Illinois

Sent from my iPad

**From:** Howard Rosenblum  
**To:** [Daniel Nakahara](#)  
**Subject:** Zion Woods  
**Date:** Friday, June 22, 2018 11:06:15 AM

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Dan

I hope all is well.

I live in Kings Cove at 140 Millstone Road where I have lived for 16 years.

My wife and I oppose the planned development of Zion Woods. Traffic on Deerfield rd will only increase with the proposed project. The project surveyors we're counting cars on the day after school concluded for the summer so the amount of traffic was much lighter than usual. They did this last time as well and this provides false information when considering the impact of this project.

Developing a lower volume project would be less objectionable than what is proposed.

-Howard Rosenblum  
Herosenblum@gmail.com  
(224)507-3889

June 21, 2018

**VIA ELECTRONIC MAIL**

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

***RE: Zion Woods Proposed Development***

Dear Plan Commission:

Harold and I apologize for being unable to attend the Zion Woods public hearing. Given our inability to attend, Jeff Ryckaert offered to forward our concerns with the Zion Woods proposal. As you know, we are the owners and developers of the six remaining lots at Elysian Way, which is directly across the street from the Zion Church.

We strongly oppose the proposed development for the following reasons.

**Rezoning Procedure:**

- The rezoning procedure that has been requested by the petitioner is improper.
- Prior to rezoning, there should be a subdivision of the land into two parcels: (i) the Church parcel and (ii) multi-family parcel. Thereafter, the Church should sell or lease the multi-family parcel to the petitioner in an arm's length transaction.
- The petitioner then can come before Plan Commission to seek R-5 rezoning on the multi-family parcel, at which point that petition should be evaluated on the merits (including density).
- The proximate result of rezoning prior to subdivision is an unjust enrichment to the Church.
- Rezoning the entire 8.8 acre parcel to R-5 substantially and materially increases the property's value as compared to the current R-1 residential zoning.

**Short Term Ground Lease:**

- The 30 year term of the ground lease is materially less than the typical, arms-length ground lease which has a minimum term of 100 years.
- The term of the instant ground lease is likely less than the useful life of the improvements.
- The Village should mandate greater future control over the uses on the parcel, primarily in terms of (i) any reversion rights to the former R-1 zoning classification after the termination of the short-term ground lease; and/or (ii) proposed covenants or restrictions on future development of the Church parcel.
- Given the value created by the rezoning, the Church is left with multiple options to monetize the rezoning. Some of those options include, but are not limited to: (i) post-rezoning, immediate subdivision and subsequent sale of the church parcel to a multi-family developer, who then "by right" could immediately develop market rate apartments; (ii) conducting a 30 year sale leaseback, realize several millions of dollars with the expectation of a large apartment complex to be developed in only 30 years; (iii) engaging in a shorter duration sale leaseback and accelerate the timing for large scale multifamily development, a result which would likely yield a larger

purchase price; or (iv) holding the land for the duration of the short term ground lease and sell it as an undeveloped, highly dense multi-family development site in 30 years.

#### Project Density:

- A rezoning predicated on the gross 8.8 acres creates a skewed density calculation which circumvents traditional, municipal standards for density.
- Given that two distinct operations will occur on the same PIN, density should be calculated using the net acreage of the multifamily parcel, not the complete 8.8 acres.
- Even applying the gross 8.8 acres, the proposed project has a density of 2.82 units/acre.
- Elysian Way sought R-3 zoning with a proposed density of 2.28 units/acre and that request was rejected by this Plan Commission for being too great for this neighborhood.
- Zion Woods is in the same neighborhood as Elysian Way as it is directly across Deerfield Road.
- If 2.28 units per acre was too dense for Elysian Way to receive approval than 2.82 units per acre should unquestionably be too dense for approval.
- The density precedent this Plan Commission set with Elysian Way should be evenly applied to Zion Woods.

#### Deerfield's Comprehensive Master Plan:

- The proposed development and R-5 PUD zoning classification is at odds with the Deerfield Comprehensive Plan's intended use for this site.
- That Comprehensive Plan does not recognize this parcel as one for future, dense multi-family use but rather that it remains occupied solely by a religious institution, likely under the same R-1 zoning classification.
- Zoning changes not in harmony with a comprehensive plan are, according to the LaSalle factors, a strong indication of spot zoning.
- All adjacent parcels (including those in Highland Park across the river) are for single family residential with a Deerfield zoning classification of R-1 or R-2.
- Elysian Way's R-3 zoning application was in part denied because R-3 was not consistent with the zoning of the adjacent parcels.
- The proposed Zion Woods R-5 PUD deviates substantially further from the surrounding community than Elysian Way would have at R-3.

#### Property Tax:

- The Church is a tax exempt entity. Therefore, it does not pay property tax.
- If no subdivision is required, the Church will remain the taxpayer of record and the proposed development will pay zero property tax.
- The Village should require the proposed development to be structured in such a manner that it pays its fair and equitable share of property tax.

#### Unanswered Questions:

- Due to the short term nature of the ground lease and deed restriction, the petitioners plan fails to address several key questions.
- All of the following questions were asked in our 2017 correspondence relating to the petitioner's application and the 2018 application fails to address or answer any of them.
  - What is the intended use of the buildings after the expiration of the ground lease and deed restriction? Do they revert back to the Church for the Church to operate as either market or affordable multi-family units?
  - Has Zion Church confirmed it can maintain its tax exempt status while receiving ground lease payments?
  - After the expiration of the ground lease, does the permitted use of affordable and special needs housing remain in force or, overnight, can the then land owner flip the switch to market rate apartments?
  - Has the church provided the Village with a covenant that it will not, the day after receiving final zoning approval, sell the church parcel to a multi-family developer who will then immediately and 'by right' develop hundreds of apartments on this site? The

practical effect of this reasonably foreseeable result would be the church, and its parishioners, receiving millions of dollars in a winding down of religious operations.

- Given its tax exempt status, will the Church be able to lease these units at market rate?
- If so, will they still be exempt from property tax payments?
- During the 2015/2016 Zion Woods petition, it was learned that the Zion Church may be in a state of fiscal uncertainty. Is the Church fiscally solvent enough to afford the maintenance and upkeep on the units once the reversion occurs? What would happen if the Church was no longer fiscally viable? In that instance, to whom would the property revert?
- What would happen to both parcels should the church not be fiscally viable to survive the short term duration of the petitioners ground lease?
- If the church property were sold, during the term of the ground lease, would Zion Woods then be responsible for its full pro rata share of property tax?

We believe that any good faith attempt by the petitioner and/or Church to resurrect this proposal should have included dialog with the neighbors. In our case, that never occurred.

The request to rezone the entire parcel as an R-5 PUD is improper, inequitable to the adjacent landowners, creates material uncertainty regarding the futures use of the parcel, unjustly enriches the Church and affords the petitioner improper relief from property tax liabilities. Approval of this plan is the functional equivalent of approving a highly dense, market rate apartment complex at this location in 30 years' time.

Thank you very much for your time and consideration of the above. Should you have any questions or comments, please feel free to contact Jeff Rothbart at 312-307-1429 or [jeff@homesbyinsignia.com](mailto:jeff@homesbyinsignia.com).

Sincerely,  
INSIGNIA HOMES, LLC



Jeff Rothbart