

Via U.S. Mail and Electronic Mail to:

Shannon Malik Jarmusz smalikjarmusz@itasca.com

and

Yordana Wysocki YWysocki@hcbattorneys.com

July 18, 2019

Shannon Malik Jarmusz, AICP
Director of Community Development
Village of Itasca
550 W. Irving Park Road
Itasca, IL 60143

Yordana Wysocki
Hervas, Condon & Bersani, P.C.
333 Pierce Rd., Suite 195
Itasca, Illinois 60143-3156

RE: 860 W. Irving Park Road Zoning Proposal

Dear Ms. Malik Jarmusz and Ms. Wysocki:

We are in receipt of Yordana's email message in response to my July 12th email, stating that Shannon has decided to reject Haymarket DuPage's application for a healthcare facility (health_center) special use and return it with the filing fee to Haymarket. You advise that if Haymarket wishes to dispute this decision, it can file an appeal under Section 14.08 of the Itasca Zoning Code. Yesterday, I called Yordana to discuss this, and was told that if an appeal is filed, and it is determined that this special use application should properly proceed, it will not proceed until October 16, 2019.

Your email message, which is in line with that publicly posted by Mayor Pruyn, shows a misunderstanding of the applications Haymarket has submitted. First, the application for special use for a healthcare facility and the application for planned development approval are not filed as alternatives. They are separate applications, and while Haymarket objects to having to petition for a planned development, they should both be processed and decided by the Plan Commission and Village Board. Second, the variance application is filed in conjunction with the application for a healthcare facility special use – not in relation to the planned development

special use application. The application for planned development approval contains its own requests for waiver and exemption approvals.

The application for a healthcare facility special use, and the related variance application, are complete, were timely filed, and were accompanied by the required filing fee. As such, these applications should properly be scheduled and presented to the Plan Commission at its August 21, 2019 meeting. The Village's published procedures for special use and variance applications identify the steps established by the Village in petitioning for a special use and variances, and state:

Applicant completes and submits thirty (30) bound and collated copies of the Petition for Special Use/Variance to the Community Development with all the required attachments and the application fee. Petitioners may attach other items such as related documents, photographs, etc. to their Petition as applicable. The Petition for Special Use/Variance must be complete in order for your hearing to be schedule (sic) and for action to be taken by the Village. Incomplete Petitions for Special Use/Variance will be rejected by the Village and your hearing will not be scheduled until the Petition for Special Use/Variance is completely filled out.

Haymarket completed and submitted the required number of collated copies of the Petition for Special Use and the Petition for Variation to the Community Development Department with all the required attachments and payment of the applicable fees. This has never been disputed by the Village. Therefore, Haymarket is entitled to a hearing on these Petitions. By rejecting the healthcare facility special use application and refusing to present it to the Plan Commission, and by forcing Haymarket to pursue a drawn out appeal, the Village is denying Haymarket its zoning and due process rights.

Very truly yours,

ICE MILLER LLP

Michael M. Rõth