



Village of Itasca
Community Development Department

CONTINUED PUBLIC HEARING: October 28, 2020

PC 19-014

TITLE: HAYMARKET DUPAGE, LLC
ADDRESS: 860 W. IRVING PARK ROAD
PIN: 03-07-202-002

Haymarket DuPage, LLC (Petitioner) submitted an amended application as well as several supplemental documents and reports on August 7, 2020. These materials are supplemental and do not replace the previous submittal and testimony presented by Petitioner in this matter last year. A list of the supplemental materials are included in the Petitioner's cover letter dated August 7, 2020.

Village Staff anticipates presenting expert testimony and comments during the Village's case concerning the supplemental materials, as well as the original submittals. However, certain technical issues will be address in this staff report. This report is a supplemental report and should be reviewed in conjunction with the previous staff report and exhibits, dated September 18, 2019.

AMENDED APPLICATIONS

Petitioner submitted two applications: (1) for approval of a special use for a Health Center; and (2) for approval of a special use for a planned development for a Health Center. As this Commission previously decided and was affirmed by the Village Board, the application for Health Center special use is improper. When this decision was challenged in circuit court, Judge Wheaton granted the Village's motion to dismiss and dismissed the suit without prejudice in *Haymarket DuPage, LLC v. Village of Itasca*, No. 19 MR 1373 (DuPage). As a result, this Commission's decision stands and thus Haymarket must proceed with a application for special use for a planned development and cannot proceed with a concurrent application for a healthcare special use. Therefore, Village staff is rejecting the Petitioner's application for a special use for a Health Center, consistent with the Village Board's appeal decision and the dismissal order from the DuPage County Circuit Court.

Additionally, Petitioner is requesting Class I Site Plan approval which is consistent with its earlier application.

CHANGE IN OWNERSHIP

Petitioner Haymarket DuPage, LLC has now purchased the property from the former owners and owns the property. The new applications reflect this change in ownership.

CLARIFICATION OF EXCEPTIONS/VARIANCES

Previously, Petitioner submitted as application for variances relating to the front yard building setback and building height. This application was submitted in conjunction with the original (rejected) application for health center special use. However, as noted in the first staff memo (dated 9/18/19), these variances are treated as exceptions under the planned development section of the Zoning Ordinance. Petitioner has therefore withdrawn its application for variances and is proceeding with just the request for exceptions.

Importantly, both exceptions – setback and building height – are pre-existing. Staff requested that these be included in the application only to ensure that these legal non-conforming uses be converted to

conforming uses if the planned development is approved. Since Petitioner is not proposing any exterior changes to the improvements on the property which would impact these exceptions, they will remain unchanged.

CLARIFICATION OF THE SETBACK EXCEPTION

In investigating the property further, Petitioner found that there is an intervening parcel of privately-owned land between the Petitioner's property and Spring Lake Drive. This results in Irving Park Road being the front yard rather than the previously-identified Spring Lake Drive. Staff agrees with this interpretation.

However, this change does not alter staff's analysis. Sections 8.05-6-a (front yard setback) and 8.05-6-b (side yard setbacks) of the Zoning Ordinance address setback requirements for the B-2 District. Both sections require a 25-foot setback with an additional two feet for each one foot of building height over 30 feet. Since the current building height is 51.8 feet, the required setback – regardless of whether it is a front or side yard – is 68.6 feet. The existing setback off of Spring Lake Drive is 36.7 feet for a technical deficiency of 31.9 feet.

EXCEPTIONS FROM STANDARDS CONTAINED IN SECTION 14.12(7) OF THE ZONING ORDINANCE

Section 14.12 of the Zoning Ordinance outlines the standards and findings of fact this Commission must consider in approving a planned development application. Petitioner had previously requested exceptions for some of these standards. In the new materials, Haymarket is requesting these previously requested exceptions, as well as two new exceptions. A table summarizing the exceptions requested previously and now, the Village staff response in 2019 when the original application was submitted, and any changes between the original and supplemental application submittals are attached hereto as Tables 1 and 2.

PETITIONER'S CHANGES TO USE

Petitioner's supplemental application states that it will no longer allow young children to accompany their mothers who will be receiving treatment on site. Staff recommends that this be made a condition of approval.

PHOTOMETRIC PLAN

A larger, more legible plan was provided at staff's request. It does not appear that there will be any change to the photometrics on the site.

UPDATED FLOOR PLANS

With the supplemental application, Petitioner included several new plans. These new plans call for 240 beds (144 recovery home beds, 96 treatment beds). The previous plan provided for 272 beds per Village staff count. The new plans reference residential treatment use areas on floors 2-5 with rooms and lounge areas. Detox is now only noted on the first floor.

UPDATED LANDSCAPE PLAN

The updated plans comply with all previous staff comments.

UPDATED PATIO

As requested by staff, the patio area at the rear of the building has been expanded with full perimeter fencing to accommodate outdoor needs for residents and security. However, the revised site plan does not show the patio expansion at the rear of the building and should be updated.

BILLBOARD

Staff is still recommending that the existing billboard structure's removal be a condition of approval.

PARKING

The supplemental materials contain an updated traffic report by KLOA. This report does not clarify how many patients will utilize the site for parking and may use their vehicles for both the outpatient and inpatient programs. The Petitioner also has not provided clear information on how clients (short-term/day programs) and residents (long-term, overnight care) will arrive and depart from the site, including for periodic needs such as shopping, medical appointments, etc.

AMENDED STAFF RECOMMENDED CONDITIONS

In order to fully evaluate the Haymarket proposal, Staff has identified certain condition for which the petitioner shall comply if this project is approved, including but not limited to:

1. Permit documents must be in substantial compliance with Plan Commission and Village Board submittals.
2. The project must comply with all Village Ordinances, Building Codes, Standard Specifications, and the DuPage County Stormwater Ordinance in place at the time of permit application.
3. Approval is subject to compliance with all final engineering standards and fire codes of the Village.
4. A complete sign review package will be required for review prior to installation. The sign plan shall show the setbacks of each ground sign from adjacent property lines.
5. Removal of the existing billboard sign.
6. Compliance with the requests for additional information as enumerated within this report and as summarized in Village Exhibit A, which was attached to the original staff report.
7. Petitioner's application contemplates a maximum of 240 overnight clients and residents at any given time. If approved, any increase in the number of beds over 240 must be approved by the Plan Commission and Village Board by amendment to the special use for a planned development.
8. Petitioner's application states that no children will be allowed to stay at the facility overnight even if his/her/their parent(s) are part of the treatment program. If approved, any change in this policy must be approved by the Plan Commission and Village Board by amendment to the special use for a planned development.

Table 1: PLANNED DEVELOPMENT EXCEPTIONS

October 20, 2020 Update

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption (2019)	Village Response (2019)	Haymarket Resubmittal 8.7.20
(2) Provisions	This provision is inapplicable because there will be no subdivision, development, dwelling units or residential use, the building has been at the site for many years, and the only building and sole use will be a health center. Therefore, the requirement of a planned development is inapplicable. To the extent a planned development is applicable, the requirements should be waived or the planned development should be exempted.	The requirements of a planned development are applicable as the proposed use is mixed residential and business, as previously discussed by Shannon Malik in her letter dated July 24, 2019.	
(3)(a) Procedure – Pre Application Conference	At our meeting on June 5, 2019, you stated that the requirement in this provision (3)(a) for the pre-application conference may should be deemed satisfied by our meetings with staff. I agreed that following the meeting and with the submittal of this listing, the applicant will provide a current ALTA survey showing the site and existing improvements, which we request will satisfy certain planned development requirements that the Village decides are applicable.	Agree to waive.	
(4) (Preliminary Plan in general)	You agreed that the preliminary plan and final plans may be considered and decided simultaneously, and concurrently with the special use and site plan application.	Agreed.	NR (Not requested in current Application)
(4)(a)(1) Boundary survey	The electronic and reduced paper copy of the current ALTA survey are attached. Any further information or documentation required under this section is inapplicable and should be	The ALTA and plat of survey meet this requirement and should be included with the petition. Documents need to be submitted full sized with 17 copies of everything. We also	NR (Not requested in current Application)

	waived or the applicant should be deemed exempt.	recommend submitting PDFs of the documents on a flash drive.	
(4)(a)(2) Topography	The electronic and reduced paper copy of the current ALTA survey are attached. Any further information or documentation required under this section is inapplicable because no development is proposed, and should be waived or the applicant should be deemed exempt.	While the ALTA does not provide topographic information, because you are not modifying the exterior of the building, we do not require topographical information at this time.	NR (Not requested in current Application)
(4)(a)(3) Preliminary plan of subdivision	This provision is inapplicable because there is no subdivision for this project or property. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive because there is not anticipated re-subdivision.	
(4)(a)(4)(a)(ii) Site Analysis – Scenic views	This provision is inapplicable for this project or property because there are no scenic views as the property is in a commercial district. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the exterior site plan.	
(4)(a)(4)(a)(iii) Site Analysis – wooded areas	This provision is inapplicable because there is no wooded area for this project or property. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the exterior site plan.	
(4)(a)(4)(a)(iv) Site Analysis – soil problem areas	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the exterior site plan.	
(4)(a)(4)(a)(v) Site Analysis – floodways	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years.	Agree to waive at this time based on your representation that there will be no changes to the exterior site plan.	

	Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.		
(4)(a)(4)(a)(vi) Site Analysis – streams, drainage	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the exterior site plan.	
(4)(a)(4)(a)(vii) Site Analysis – trees	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The landscaping existing is the landscaping proposed. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the exterior site plan.	
(4)(a)(4)(a)(viii) Site Analysis – storm water runoff	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The stormwater management existing is the stormwater management proposed. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the exterior site plan.	
(4)(a)(4)(b) public utilities	A current ALTA survey will be provided, along with the building plans for the interior of the existing building. This provision is otherwise inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The public utilities existing are the public utilities proposed. Should the Village not agree, we believe that this provision should be waived	Agree to waive at this time based on your representation that there will be no changes to the public utilities. Please be aware that if the estimated volume of use is expected to be different than current use, this provision will have to be complied with.	

	or the applicant should be deemed exempt.		
(4)(a)(4)(c)(iv) easements	A current ALTA survey detailing existing site conditions and improvements will be provided. Any further information or documentation is inapplicable and should be waived or the applicant should be exempt.	Agreed provided that the ALTA survey submitted provides all known easements.	
(4)(a)(5)(a) Land use plan – identification and description	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. However, the electronic and reduced paper copy of the current ALTA survey are attached. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive.	
(4)(a)(5)(b) Land use plan – design features	This provision is inapplicable because there is no development to take place for this project or property. The electronic and reduced paper copy of the current ALTA survey are attached. The building has been at the site for many years, and there is no residential use. The only site improvements will be the health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	<p>Agree to waive subpart (i), (v) and (vi) as they are not applicable.</p> <p>We will need an exhibit with height (subpart (ii)). The Village has the enclosed elevation which shows building height in its records on the property. Please confirm that this elevation is accurate or submit an accurate elevation.</p> <p>We will also need a floor plan for each level so we can calculate how much vehicle and bike parking is appropriate under the Ordinance (subpart (iii)). You may wish to consider whether § 12.09(c) of the Zoning Ordinance for bike parking can be applied.</p> <p>Finally, we recommend that you provide information on open space for residents (subpart (iv)). Although the Village will not require a dedication, the Plan Commission and/or Village Board may require sufficient</p>	NR (Not requested in current Application)

		open space as an amenity for residents.	
(4)(a)(6) Utility Plan	This provision is inapplicable because there is no development to take place for this project or property. The electronic and reduced paper copy of the current ALTA survey are attached. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the public utilities. Please be aware that if the estimated volume of use is expected to be different than current use, this provision will have to be complied with.	
(4)(a)(7) Written statement	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. There is no residential use, and the only site improvements will be internal and used for the health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive.	
(4)(a)(8) Shopping Center	This provision is inapplicable because there is no development to take place for this project or property, there is no shopping center development planned, and the building has been at the site for many years. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive.	
(4)(a)(9) Preliminary Engineering Plans	This provision is inapplicable because there is no development to take place for this project or property, the building has been at the site for many years, and therefore there are no engineer plans. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time. Please be aware that if the estimated volume of use is expected to be different than current use, this provision will have to be complied with.	

(4)(b) Written statement	This provision is inapplicable because there is no development to take place for this project or property, the building has been at the site for many years. There is no residential use proposed, and the only site improvements will be internal and used for the health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive subsection (b)(1) only. We will need a floor plan for each floor/level of the building and the information requested in subsection (b)(2) should be provided with such floor plans. The Village also requests a rough anticipated schedule of rehabilitation/remodeling as required in subsection (b)(3).	NR (Not requested in current Application)
(4)(c)(3) Economic impact statement	This provision is inapplicable because there is no development to take place for this project or property, the building has been at the site for many years and economic feasibility is not an appropriate consideration. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Disagree. The Village will not waive this requirement.	NR (Not requested in current Application)
(4)(c)(4) Landscape plan	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The landscaping will remain as it currently is. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Disagree. The Village will not waive this requirement. At this time, the Village requests information on the quantity/quality of the four-decade old plantings so an evaluation can be made whether the existing plantings are adequate.	NR (Not requested in current Application)
(4)(d)(1) Procedures	You agreed that the preliminary plan and final plans may be considered and decided simultaneously, and concurrently with the special use and site plan application. The electronic and reduced paper copy of the current ALTA survey are attached. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt. There is no development to take place for this project or property and	Agreed that Haymarket may make its preliminary and final submittals at the same time. The Village will not agree to waiving our standard public process under § 14.12.	

	the building has been at the site for many years.		
(4)(d)(3) Procedures	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.	See above.	
(4)(e) Plan Commission Procedures	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.	See above.	
(4)(f) Board Procedures	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.	See above.	
(5) (generally) Final Development Plan	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.	See above.	
(5)(a)(1) Final Plan	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The land is not being subdivided into lots and the entire property will be a health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive.	
(5)(a)(3) Plat of subdivisions	This provision is inapplicable because there is no subdivision or development to take place for this project or property. The entire property will be a health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive.	

(5)(a)(5) Final Site Plan	A current ALTA survey detailing existing site conditions and improvements is being provided and any further information or documentation is inapplicable and should be waived or the applicant should be deemed exempt.	Agree to waive.	
(5)(a)(6) Dedication	This provision is inapplicable because there is no development to take place for this project or property, the building has been at the site for many years and there will not be any dedication of land. Therefore, this provision should be waived or the applicant should be deemed exempt	Agree to waive assuming there will be no dedication of property.	
(5)(a)(7) Tabulations of each use area	This provision is inapplicable because there the land is not being subdivided into lots, the entire property will be a health center, and there are no dwelling units at the property. Therefore, this provision should be waived or the applicant should be deemed exempt.	Disagree. The Village will not waive this requirement. Your submittal should include information on density.	NR (Not requested in current Application)
(5)(a)(8) Landscape Plan	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The landscaping will remain as it currently is. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Disagree. The Village will not waive this requirement. At this time, the Village requests information on the quantity/quality of the four-decade old plantings so an evaluation can be made whether the existing plantings are adequate.	NR (Not requested in current Application)
(5)(a)(9) Utilities and Drainage	This provision is inapplicable because there is no development to take place for this project or property and the building, with utilities has been at the site for many years. The utilities and drainage will remain as they currently are. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time. Please be aware that if the estimated volume of use is expected to be different than current use, this provision will have to be complied with.	

(5)(a)(10) Covenants	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. There will be no covenants. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive.	
(5)(a)(11) Deeds/ Easement Agreements	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. There will be no deeds, easement agreement, or by-laws beyond the Haymarket DuPage LLC by-laws. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt	Agree to waive provided there are no new easements proposed.	
(5)(a)(12) Article of Incorporation	This provision is inapplicable because there is no development to take place for this project or property and no homeowner's, merchant's or industrial owner's association. Therefore, this provision should be waived or the applicant should be deemed exempt.	Agree to waive.	
(5)(a)(13), (14), and (15) Final development schedule, final architectural plans, final engineering drawings	These provisions are inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Should the Village not agree, we believe that these provisions should be waived or the applicant should be deemed exempt.	The Village also requests a rough anticipated schedule of rehabilitation/remodeling as required in subsection (a)(13). The Village agrees that the following will satisfy subsections (a)(14) and (a)(15): floor plans for each level and a table breaking down by type of use (e.g., patient rooms, lodging/residences, medical offices, common areas, etc.) so we can calculate expected parking requirements.	NR (Not requested in current Application)
(5)(b) Escrow deposits	This provision is inapplicable because there is no development, public facilities or improvements to take place for this project or	Agree to waive; however, building permits for remodeling	NR (Not requested in

	property and the building has been at the site for many years. Should the Village not agree, we believe that these provisions should be waived or the applicant should be deemed exempt.	will require sureties and these are not waived.	current Application)
(5)(c) Common open space	This provision is inapplicable because there is no common open space to take place for this project or property. Should the Village not agree, we believe that these provisions should be waived or the applicant should be deemed exempt.	Agree to waive.	
(5)(d) Procedures	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.	Agree to waive only the 60 day requirement in subsection (d)(4). The Village will not agree to waiving our standard public process under § 14.12(5)(d).	
(6) Changes to Planned Development	This provision is inapplicable because there is no change or modification to an existing planned development.	Agree that this section is not applicable at this time.	
(7)(a)(5) Standards	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Therefore, this provision should be waived or the applicant should be exempt.	Agree that subsection (7)(a)(5) does not apply to your proposal.	
(7)(a)(6) Standards	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. There is no mix of principle uses. There will be no private streets or common driveways. Should the Village not agree, we believe that these provisions should be waived or the applicant should be deemed exempt.	The Village cannot determine whether subsection (7)(a)(6) applies at this time. If Haymarket believes this subsection does not apply to its proposed development, Haymarket may request relief from this standard in the form of a variance so the Plan Commission may consider the request.	NR (Not requested in current Application)
(7)(a)(7) Standards	This provision is inapplicable because there is no development to take place for this project or property and the building has	The Village cannot determine whether subsection (7)(a)(7) applies at this time. If Haymarket believes this	NR (Not requested in

	been at the site for many years. Therefore, this provision should be waived or the applicant should be deemed exempt.	subsection does not apply to its proposed development, Haymarket may request relief from this standard in the form of a variance so the Plan Commission may consider the request.	current Application)
(7)(b)(1)-(4) Standards	This provision is inapplicable because there are no dwelling units or residential land uses proposed. The property will only be used as a health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Disagree. It is the Village's position that the recovery homes portion of the proposal are residential in nature and thus these standards are applicable to Haymarket's proposal. If Haymarket believes that certain subsections do not apply to its proposed development, Haymarket may request relief from this standard in the form of a variance so the Plan Commission may consider the request.	NR (Not requested in current Application)
(7)(c) Standards	This provision is inapplicable because there are no dwelling units or residential land uses or cluster subdivision proposed. The property will only be used solely as a health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree that the proposal is not a cluster subdivision.	
(7)(d) Standards	There is no development to take place for this project or property and the building has been at the site for many years. A current ALTA survey and traffic study are being provided and any further information or documentation is inapplicable and should be waived or the applicant should be exempt.	Disagree. It is the Village's position that the medical treatment facilities proposed are business in nature and thus these standards are applicable to Haymarket's proposal. If Haymarket believes that certain subsections do not apply to its proposed development, Haymarket may request relief from this standard in the form of a variance so the Plan Commission may consider the request.	NR (Not requested in current Application)
(7)(e)(1) Standards	This provision is inapplicable because there is no development proposed for the property, there	Disagree. If Haymarket believes that certain subsections do not apply to its proposed	NR (Not requested in

	<p>are no dwelling units or proposed residential land uses, the building has been at the site for many years, and the property will only be used as a health center. The existing improvements are either already approved by variance or are legal non-conforming conditions that may continue. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.</p>	<p>development, Haymarket may request relief from this standard in the form of a variance.</p>	<p>current Application)</p>
<p>(7)(e)(2) Standards</p>	<p>This provision is inapplicable because there is no development proposed for the property, the building has been at the site for many years, and the property will only be used as a health center. The existing improvements are either already approved by bulk variances or are legal non-conforming conditions that may continue. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.</p>	<p>Disagree. If Haymarket believes that certain subsections do not apply to its proposed development, Haymarket may request relief from this standard in the form of a variance.</p>	<p>NR (Not requested in current Application)</p>
<p>(7)(e)(3) Standards</p>	<p>This provision is inapplicable because there is no development proposed for the property, there are no industrial areas proposed. The property will only be used as a health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.</p>	<p>Agree that this subsection is inapplicable.</p>	

Table 2: SITE PLAN REVIEW EXCEPTIONS

October 20, 2020 Update

Site Plan Section Citation within Section 14.13	Reasoning as to Waiver or Exemption (2019)	Village Response (2019)	Haymarket Resubmittal 8.7.20
(1) Purpose	To the extent that this provision is applicable to development of vacant land or redevelopment of improved land, Site Plan review is inapplicable because there is no development proposed for the property, the building has been at the site for many years, and the property will only be used as a health center. The existing improvements are either already approved by bulk variances or are legal non-conforming conditions that may continue. The electronic and reduced paper copy of the current ALTA survey are attached. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt.	The Village needs a summary of all non-conforming conditions on the property so that it can be considered with the proposed use.	NR (Not requested in current Application)
(2) Scope	Class I site plan is applicable, if any.	Agreed.	
3(a) Application form	Applicable information will be provided with the special use application.	Agreed.	
3(b) Drawing standards	This provision is inapplicable because no development is proposed and the site improvements have existing for many years. the property will only be used as a health center. The existing improvements are either already approved by variance or are legal non-conforming conditions that may continue. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Disagree. All drawings submitted must comply with this standard.	
3(e) Local and Context	This provision is inapplicable because no development is proposed and the site improvements have existing for many years. the property will only be used as a health center. The existing improvements are either already	Disagree that this is inapplicable. Please note that this requirement is already met with the ALTA survey.	NR (Not requested in current Application)

	approved by variance or are legal non-conforming conditions that may continue. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.		
3(f) Site Plan	The electronic and reduced paper copy of the current ALTA survey are attached. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt. No development is proposed and the site improvements have existing for many years. the property will only be used as a health center.	Disagree that this is inapplicable. Please note that the ALTA survey can serve as the site plan unless changes are needed (e.g., bike parking).	NR (Not requested in current Application)
3(g) Landscape Plan	The electronic and reduced paper copy of the current ALTA survey are attached. The landscaping will remain as it currently is. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt. No development is proposed and the site improvements have existing for many years. the property will only be used as a health center.	Disagree. At this time, the Village requests information on the quantity/quality of the four-decade old plantings so an evaluation can be made whether the existing plantings are adequate.	NR (Not requested in current Application)
3(i) Building Elevations	The electronic and reduced paper copy of the current ALTA survey are attached. No development is proposed and the site improvements have existing for many years. The site and exterior of the building, along with all landscaping and building elevations will not change. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt.	Disagree. The Village requires building elevations to show building height.	NR (Not requested in current Application)
7(c) Standards	The electronic and reduced paper copy of the current ALTA survey are attached. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt. No development is proposed and the site improvements have existing for many years. the	Disagree. If Haymarket believes that certain subsections do not apply to its proposed development, Haymarket may request relief from this standard in the form of a variance.	NR (Not requested in current Application)

	property will only be used as a health center.		
7(d) Standards	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The landscaping existing is the landscaping proposed. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Disagree. If Haymarket believes that certain subsections do not apply to its proposed development, Haymarket may request relief from this standard in the form of a variance.	NR (Not requested in current Application)
7(e) Standards	Applicant will comply to the extent that these provisions are applicable even though no development of vacant land or redevelopment of improved land is occurring. For example, we will provide the Village with a traffic and parking report. However, the building has been at the site for many years, and the property will be used solely as a health center under single ownership. The existing improvements are either already approved by bulk variances or are legal non-conforming conditions that may continue. The electronic and reduced paper copy of the current ALTA survey detailing existing site conditions and improvements are attached. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt.	Disagree. If Haymarket believes that certain subsections do not apply to its proposed development, Haymarket may request relief from this standard in the form of a variance.	NR (Not requested in current Application)
3(j)	Signs. Requires submittal for all proposed freestanding signs. Applicant requests to submit sign applications at a later date.	(new request)	New request
7(f) – (i)	Applicant requests exceptions for various requirements under Standards for Class 1 Site Plan, including public service and utilities, environmental considerations, preservation and Downtown guidelines, because there will be no development or exterior remodeling of the building, or change to the site for which these standards apply. The existing building is neither	(new request)	New request

	historic in nature nor located in the Downtown area.		
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