

In the Matter Of:

IN THE MATTER OF: HAYMARKET DUPAGE, LLC

REPORT OF PROCEEDINGS

February 03, 2021

Grove & Associates Reporting & Video Services

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1 PRESENT VIA REMOTE VIDEOCONFERENCE:

2 MR. BRENDAN DALY, Chairman;

3 MR. FRANK CARELLO, Commissioner;

4 MS. LORI DRUMMOND, Commissioner;

5 MR. JEFFREY HOLMES, Commissioner;

6 MS. KRISTA RAY, Commissioner;

7 MR. ANTHONY RUSSO, Commissioner.

8
9 ALSO PRESENT VIA VIDEOCONFERENCE:

10 MR. MO KHAN, Village Planner;

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I N D E X

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1 CHAIRMAN DALY: Okay. It is 7:00 o'clock, so
2 welcome to this meeting of the February 3rd, 2021,
3 Itasca Plan Commission. I call this meeting to
4 order.

5 Will the secretary please call the
6 roll.

7 MR. KHAN: Commissioner Russo.

8 COMMISSIONER RUSSO: Here.

9 MR. KHAN: Commissioner Holmes.

10 COMMISSIONER HOLMES: Here.

11 MR. KHAN: Commissioner Carello.

12 COMMISSIONER CARELLO: Here.

13 MR. KHAN: Commissioner Ray.

14 COMMISSIONER RAY: Here.

15 MR. KHAN: Commissioner Drummond.

16 COMMISSIONER DRUMMOND: Here.

17 MR. KHAN: Chairman Daly.

18 CHAIRMAN DALY: Here.

19 I declare a quorum present.

20 Good evening, everyone. The case
21 before the Plan Commission is PC 19-014 continued
22 from January 13th, 2021. The case before the Plan
23 Commission -- excuse me. The petitioner and owner
24 is Haymarket DuPage LLC. The location is 860 West

1 Irving Park Road.

2 The procedures for tonight and
3 meetings moving forward in the short-term are as
4 follows: We will begin with petitioner calling the
5 following witnesses, Mr. Polach and Mr. Kisiel.

6 The Plan Commission has adopted new
7 rules of procedures which are now in effect. We are
8 proceeding remotely due to COVID-19, and the public
9 may watch the proceedings through the Village's
10 YouTube channel.

11 Anyone wishing to make a public
12 comment will be able to do so after the presentation
13 of cases. Anyone wishing to ask questions of the
14 petitioner, village staff, or other parties will be
15 able to do so after the presentation of cases. The
16 sign-up form is on the Village's website.

17 Remote village staff is monitoring
18 the video streaming. If the video streaming does
19 not work during the proceedings, we will stop and
20 wait until the video streaming is fixed or
21 reschedule for another date.

22 I would now like to invite Chuck
23 Hervas, our legal counsel, for his opening remarks.

24 MR. HERVAS: Thank you, Mr. Chairman.

1 Again, my name is Chuck Hervas, and
2 I'm the attorney advising the Plan Commission in
3 this matter. I read this opening remark pretty much
4 every time, and I'm going to read it again for the
5 benefit of those that have not been with us before.

6 This is a legal proceeding with
7 legal significance. A court reporter is swearing in
8 witnesses and is transcribing the testimony. This
9 is not a trial, but we are developing a record of
10 proceedings before the Plan Commission. This is a
11 legal public hearing on a zoning petition.

12 My job is to protect the rights of
13 the petitioner, any objectors, and the public.

14 The Plan Commission will make
15 findings and a recommendation to the Village Board.
16 Please understand that the Plan Commission is a
17 recommending body. The Village Board will make the
18 final decision on the Haymarket zoning petition.

19 Due to the pandemic and the
20 Governor's emergency orders, we are unable to meet
21 in person. A virtual hearing is not the preferred
22 method for hearing this zoning petition; however,
23 the business of government must move forward, and
24 the virtual hearing has been approved by state

1 statute and is used by local governments across the
2 state. Everyone is doing the best they can under
3 the circumstances.

4 The procedures used by the Plan
5 Commission for large hearings during the pandemic
6 are available on the Village's website. The website
7 has a lot of information including a comprehensive
8 step-by-step guide about this hearing. The public
9 will have an opportunity to ask questions and
10 provide public comment at the appropriate time.

11 Witnesses will be presented by the
12 petitioner and possibly by other interested parties.
13 Cross-examination will be allowed only by the
14 attorneys or anyone who has been legally recognized
15 as an interested party.

16 Finally, this is a slow and
17 deliberate process that creates an appropriate
18 record for a plan commission hearing. I ask that
19 everyone please respect the legal process even if
20 you do not agree with it.

21 Thank you, Mr. Chairman. That
22 concludes my remarks.

23 CHAIRMAN DALY: Thank you, Mr. Hervas.

24 So with that, the business before

1 this Commission tonight is the public hearing on
2 Case Number PC 19-014. The request is for petition
3 for a planned development by special use with
4 exceptions and Class I site plan approval all in
5 order to permit a mixed-use residential and
6 healthcare facility and other accessory uses in the
7 B-2 Community Business District at 860 West Irving
8 Park Road.

9 I will now entertain a motion to
10 open this continued public hearing.

11 COMMISSIONER HOLMES: So moved. Commissioner
12 Holmes.

13 COMMISSIONER RUSSO: Second. Commissioner
14 Russo.

15 CHAIRMAN DALY: There being a motion and a
16 second, will the secretary please call the vote.

17 MR. KHAN: Commissioner Russo.

18 COMMISSIONER RUSSO: For.

19 MR. KHAN: Commissioner Holmes.

20 COMMISSIONER HOLMES: For.

21 MR. KHAN: Commissioner Carello.

22 COMMISSIONER CARELLO: For.

23 MR. KHAN: Commissioner Drummond.

24 COMMISSIONER DRUMMOND: For.

1 MR. KHAN: And Commissioner Ray.

2 MS. DICKSON: We're not seeing or hearing
3 anyone. Is it us or is it from the village?

4 CHAIRMAN DALY: It's you.

5 Ms. Smith, can you hear us?

6 MS. SMITH: Yes, and I could hear all the --

7 CHAIRMAN DALY: Thank you.

8 Court Reporter, can you hear us?

9 THE REPORTER: Yes, I can.

10 MS. DICKSON: Are we the problem?

11 CHAIRMAN DALY: Ms. Dickson, we can hear you
12 and --

13 MS. O'KEEFE: Bridget O'Keefe is here, and I
14 am at a different location tonight. So Mary is with
15 our clients.

16 CHAIRMAN DALY: Okay. Bridget -- or
17 Ms. O'Keefe, we can see and hear you. So --

18 MS. O'KEEFE: I thought we could hear Mary.

19 MS. DICKSON: Cancel out on this. I don't
20 know what the problem is.

21 MS. O'KEEFE: Mary, we can hear you.

22 Let me text them, Mr. Chairman.

23 CHAIRMAN DALY: Please do. Please do.

24 MS. O'KEEFE: Yes. Thank you.

1 Full disclosure tonight, we have --
2 due to health concerns, we have me in one place,
3 each of our witnesses in another place, and Mary and
4 the clients in another place. So if we have any
5 blips, please bear with us; we're going to do our
6 best to keep this moving forward tonight.

7 CHAIRMAN DALY: Ms. O'Keefe, that's totally
8 cool because I'm in Houston, Texas, right now; so I
9 appreciate the need to do this remotely.

10 MS. O'KEEFE: Well, we greatly appreciate
11 everybody's cooperation. This has been a yeoman's
12 effort, and we appreciate also everything the
13 Village has done to keep this moving forward and all
14 the counsels and court reporters and witnesses and
15 commissioners.

16 I'm going to try to put myself on
17 mute for just a second, sir --

18 CHAIRMAN DALY: Please do.

19 MS. O'KEEFE: -- and I'm just going to call
20 them.

21 CHAIRMAN DALY: Okay.

22 MS. DICKSON: I think we're okay now,
23 Bridget.

24 MS. O'KEEFE: Okay. Karen, can you hear me

1 now?

2 MS. DICKSON: We can.

3 MS. O'KEEFE: Okay. Fabulous. Thank you.

4 Back to you, Mr. Chairman.

5 CHAIRMAN DALY: Okay. Thank you.

6 At this point, I would ask that the
7 court reporter please -- before I do that,
8 Ms. O'Keefe, I know what the plan is for tonight;
9 but for those at home who are watching this, would
10 you please give us the list of your witnesses this
11 evening and then what the plan for the meeting is,
12 and then we will ask the court reporter to swear in
13 both of your witnesses.

14 MS. O'KEEFE: So we had --

15 COMMISSIONER RAY: I'm sorry. You know what,
16 I was not polled. This is Commissioner Ray. In the
17 last poll my name was not called. Mo?

18 MR. KHAN: Commissioner Ray.

19 COMMISSIONER RAY: Yes, my name was not
20 called for the last poll.

21 MR. KHAN: Yeah. Commissioner Ray, yes or no
22 for motion to open.

23 COMMISSIONER RAY: For.

24 MR. KHAN: All right.

1 COMMISSIONER RAY: For.

2 MR. KHAN: Motion is approved, Mr. Chairman.

3 CHAIRMAN DALY: Okay. Thank you.

4 Ms. O'Keefe, your plan for this
5 evening, and then let's get them sworn in.

6 MS. O'KEEFE: Great. Thank you.

7 Good evening. Bridget O'Keefe,
8 Daspin & Aument, and Mary Dickson here on behalf of
9 Haymarket.

10 We have two witnesses tonight.
11 First we're going to finish the questioning of
12 Mr. Ken Polach with Polach Appraisal; and then after
13 Mr. Polach is finished, we're going to move on to
14 George Kisiel, who is a principal with Okrent Kisiel
15 Associates, to present his planner's report.

16 CHAIRMAN DALY: Thank you very much.

17 Would the court reporter please
18 swear in Messrs. Kisiel and Polach.

19 THE REPORTER: Will you raise your right
20 hands.

21 (Witnesses sworn.)

22 CHAIRMAN DALY: Thank you very much.

23 Ms. Smith, I would invite you to
24 continue your cross-examination of Mr. Polach,

1 please.

2 MS. SMITH: Thank you.

3 KENNETH F. POLACH

4 called as a witness by the Petitioner, having been
5 duly remotely sworn and having previously testified,
6 was examined and testified further as follows:

7 CROSS-EXAMINATION (Resumed)

8 BY MS. SMITH:

9 Q. So turning back to a few weeks ago when
10 you were testifying -- and I cannot -- and I
11 apologize. I cannot see the witness at this point.
12 Previously I could always see the witness.

13 CHAIRMAN DALY: With the views on Zoom, he is
14 televised. Ms. Smith, I think you have to scroll
15 across the top. I see him on my view here.

16 MS. SMITH: Okay. Sorry about that.

17 MR. KHAN: Maybe when Mr. Polach speaks, he
18 will come up as the main speaker.

19 MS. SMITH: Okay. Thank you.

20 Sorry, Mr. Polach.

21 BY MS. SMITH:

22 Q. So thinking back to two weeks ago, and
23 if you remember your testimony, you testified that a
24 hotel is a less viable use now because of COVID. Do

1 you remember that?

2 A. Yes.

3 Q. And isn't it similarly true that a
4 congregate living is center for drug treatment is
5 also less viable as a use given COVID?

6 A. No. If anything, it's more viable.
7 There are more cases now as a result of COVID than
8 there have been in the past.

9 Q. But with respect to congregate living in
10 a large centralized treatment center, are you aware
11 that outpatient services have shifted to telehealth
12 so there would be -- the idea of one centralized
13 physical location for outpatient services is no
14 longer relevant?

15 A. Well, there are certainly accommodations
16 like everyone else is making for COVID. That
17 doesn't reduce the need for these services and the
18 eventual use of this property for those services.

19 Q. But it does change the mode of services,
20 and you acknowledge that with the hotel and -- but
21 you're not willing to acknowledge the same might be
22 true for congregate living for drug treatment
23 purposes. That's your testimony?

24 A. Well, the need for the hotel, the demand

1 for the hotel use has diminished. That's a function
2 of COVID and the fact that less people are
3 traveling. That isn't the case with the treatment
4 center. The need, if anything, out there has grown
5 so that there's more than ever a need for this type
6 of use.

7 Q. However, not a physical location, as
8 telehealth has taken over outpatient services. Are
9 you aware of that?

10 A. Well, like everything else, hopefully
11 we'll get through this and soon they will be able to
12 use the facility to its full extent.

13 Q. But you are willing to testify that with
14 respect to the hotel that it was a relevant
15 consideration, so wouldn't it be equally relevant as
16 to the changed realities we live in for a large
17 congregate treatment center?

18 MS. O'KEEFE: I'd like to object. I think
19 Mr. Polach has asked and answered that question.

20 MR. HERVAS: Well, she has asked the question
21 in different ways.

22 Ms. Smith, he has answered it
23 directly the first time; so I'm going to let this
24 question stand for now, but then you should move on,

1 please.

2 BY THE WITNESS:

3 A. It's a matter of need. There isn't the
4 need for hotel use. The demand is down on the part
5 of the use of that facility for that use. That's
6 just the opposite with this facility. The need, if
7 anything, is greater than it has been in the past;
8 and as soon as it's feasible to safely use the
9 facility, it will be used.

10 BY MS. SMITH:

11 Q. In your experience as an appraiser, does
12 the level of EMS service have an impact on property
13 values in that community?

14 A. As a general statement, certainly.

15 Q. Okay. And would you agree that
16 deficient EMS services negatively impacts property
17 values in a community?

18 A. I'm sorry, I lost the first word.

19 Q. Would you agree that deficient EMS
20 service negatively impacts property values in a
21 community?

22 A. It may if it's known to be deficient,
23 yes.

24 MS. SMITH: Okay. I have no other questions.

1 Thank you.

2 CHAIRMAN DALY: Thank you, Ms. Smith.

3 At this point I would ask if any
4 members of the Plan Commission have any questions of
5 Mr. Polach.

6 Anyone?

7 COMMISSIONER CARELLO: Commissioner Carello.
8 No questions.

9 CHAIRMAN DALY: Okay. Hearing none, I just
10 have a -- I have one or two questions for
11 Mr. Polach.

12 And I apologize, it has been three
13 weeks since we last spoke and heard your initial
14 testimony.

15 In your estimate, irregardless of
16 this case, do you think that the Holiday Inn
17 property is an attractive property in terms of the
18 location to major highways, state routes and the
19 ability to generate a reasonable business based on
20 the average daily traffic in front of the Holiday
21 Inn being on Irving Park Road?

22 MR. POLACH: No, I don't, and the reason for
23 it is this: While it has sufficient access through
24 Irving Park Road and the surrounding highway

1 network, it is not proximate to an interchange.
2 There are other facilities, there are other hotels
3 that are more convenient and there are other hotels
4 that are newer that don't need the remodeling that
5 this property did.

6 The owner has submitted
7 documentation indicating that the reason he was
8 selling it -- or at least one of the reasons was
9 that there were a number of improvements that would
10 need to be made to this property in order to make it
11 viable in today's market. There's more competition
12 in the market.

13 So as a result, this is no longer a
14 very viable use for this property.

15 CHAIRMAN DALY: Okay. I'd like to extend
16 that question, then, to the -- and this is
17 hypothetically; but if that site was razed and it
18 was flat and it had access to Irving Park Road
19 through our main commercial corridor in Itasca, if
20 that site has a flat piece of ground with the
21 potential for whatever development was approved
22 under the zoning classification today, as a
23 village -- or as an appraiser, does that property
24 have attractive value for redevelopment for

1 commercial purposes?

2 MR. POLACH: In today's market, the viability
3 of commercial uses is questionable. There is not a
4 great demand for new development of commercial
5 property. This may change as we go past COVID
6 and -- and the economy changes; but with the advent
7 of E-shopping, the need for more commercial
8 brick-and-mortar stores has diminished
9 substantially, as we've seen in many markets.

10 And in addition to the fact that
11 there's a reduced demand for these types of uses,
12 that area is not really an area that would be
13 attractive to a lot of commercial users. There
14 aren't a lot of supporting commercial uses in that
15 immediate area that would attract customers to a
16 business at that location.

17 So I would say at this point
18 there's a very limited market for commercial use for
19 that site.

20 CHAIRMAN DALY: Okay. I appreciate your
21 answer.

22 I'm hearing some feedback, Mo. I
23 don't know if Dan can work on that or not.

24 But my follow-up to that question,

1 then, is -- and we've all seen the demise of
2 shopping malls in America. But I also have a
3 background in land development, so my -- you know, I
4 understand the idea of an anchor use in a mixed-use
5 development and then the outlots will follow.

6 And I guess my question, then, is
7 based on the current development of Irving Park Road
8 as it stands today, is there an effect where if
9 there was a commercial use as an anchor on a piece
10 that large that the current Holiday Inn sits on that
11 Haymarket now owns, if there was a commercial use on
12 that property, in your experience, would you see the
13 attractive effect to incite other development now
14 because there's some -- there's a destination for
15 consumers to go to?

16 MR. POLACH: Certainly if you could attract
17 an anchor that would be large enough to bring in
18 additional customers, additional need, and
19 additional demand for other commercial services at
20 that location, that would be possible.

21 I don't see that in the immediate
22 future. It's going to be some time before we see
23 that type of demand return.

24 CHAIRMAN DALY: Okay. And in your current

1 experience outside of Itasca and DuPage County, do
2 you see any sort of new development going on,
3 mixed-use development, commercial development,
4 today, in February during COVID in 2021?

5 MR. POLACH: I haven't seen any large-scale
6 development. Of course in little areas, in little
7 pockets, yes, of course there's some development in
8 various locations.

9 But in general, as you've seen,
10 there's a reduction in the demand for most
11 commercial types of uses; so I don't see it coming
12 back for probably several years before we return to
13 something that would generate enough demand for
14 someone to consider developing this site if it were
15 vacant.

16 CHAIRMAN DALY: Okay. I took a bunch of
17 notes in your testimony three weeks ago. Now I'm
18 out of context because it's been so long.

19 There was a bullet you had on the
20 "Other Considerations" slide.

21 Mo, is there a chance you could
22 pull the presentation from January 13th, please?

23 MR. KHAN: Brendan, what date were you
24 looking at again?

1 CHAIRMAN DALY: In the testimony from
2 January 13th, there was a slide, I believe it was
3 Bullet Number 3 and "Other Considerations." I
4 believe that might have been the title of the slide.
5 I don't know what the slide number is. I don't have
6 it in front of me, I'm sorry.

7 The point of the bullet was the
8 proposed use will not impact other development. And
9 if I could see the slide, I could frame the question
10 better for Mr. Polach.

11 MR. KHAN: Give me one second.

12 MS. O'KEEFE: It's the third slide from the
13 end.

14 MR. KHAN: Bridget, do you know what exhibit
15 number Mr. Polach's presentation was?

16 MS. O'KEEFE: I think it -- the PowerPoint, I
17 think it was 49, I think. Can you try that?

18 MR. KHAN: Give me one second.

19 MS. O'KEEFE: I'm going to look too. Let me
20 see. Maybe 48.

21 No. You know what, it's not. It's
22 in the beginning. It was in the beginning.

23 CHAIRMAN DALY: Okay. Well, let me just --
24 let me just ask the question, then.

1 Mr. Polach, based on your testimony
2 from January 13th, I believe you had made the
3 comment that the proposed use, whether it be
4 implicitly or explicitly in your testimony, that the
5 proposed use will not have an impact -- will not
6 impact other development. And the reason I wrote
7 that down is I know that there are certain pieces of
8 property on Irving Park Road within one mile of the
9 proposed use that are potentially going to be
10 redeveloped for other uses.

11 And my question is how do you know
12 that the development of Haymarket DuPage would not
13 have a negative value on those properties in the
14 current -- in the current state of those or the
15 ability for a new landowner to come in and buy those
16 properties for redevelopment?

17 MR. POLACH: If you look at the surrounding
18 properties to the proposed Haymarket facility, all
19 of the adjoining properties are fully developed at
20 this time. None of them appear to be in such
21 condition that they would be in danger of being torn
22 down and redeveloped.

23 CHAIRMAN DALY: Okay. I'm sorry, let me
24 just -- let me clarify my question before you keep

1 going.

2 There are currently undeveloped
3 properties or properties that may be redeveloped
4 across the street and not directly across from the
5 property.

6 So my question is would, in your
7 experience, the development of Haymarket DuPage
8 possibly disincentivize a potential land developer
9 to develop an undeveloped piece of land along the
10 Irving Park corridor within one mile of this site?

11 MR. POLACH: No. There's nothing in my
12 experience that would lead me to believe that use of
13 this property for the proposed use would have a
14 detrimental impact on a developer who intended to
15 develop a property within that area for its
16 potential uses.

17 CHAIRMAN DALY: Okay. Just as one final
18 follow-up to that question, have you ever worked on
19 a case or a piece of property where this type of use
20 was found to ultimately be incompatible with the
21 balance of the property adjacent to or within one
22 mile of this property?

23 Have you ever seen another
24 situation where there was a contentious proposed

1 development that you found out later on or it came
2 out in public record that it did have a negative
3 impact on the potential for development?

4 MR. POLACH: Not that I can recall, no.

5 CHAIRMAN DALY: Okay. Thank you for your
6 testimony. I have no further questions.

7 Does anyone else in the Plan
8 Commission have any further questions for
9 Mr. Polach?

10 Hearing none, I would ask
11 Ms. O'Keefe, do you have any other questions for
12 your witness?

13 COMMISSIONER HOLMES: Brendan, I tried to ask
14 a question and it didn't work. Can you hear me now?

15 CHAIRMAN DALY: Yes, sir.

16 COMMISSIONER HOLMES: I have a question for
17 Mr. Polach.

18 Mr. Polach, like you, I'm 50 years
19 in the commercial real estate business. And the
20 value of most of the real estate I deal with is
21 dependent on successful tenants.

22 And I guess based on your
23 experience, my question is will the operation of
24 Haymarket have an impact on, say, the hobby shop

1 immediately across Spring Lake Drive or the
2 gymnastics place across Irving Park or the music and
3 arts business across Irving Park. Will those
4 businesses be impacted by Haymarket and, as a
5 result, will it impact the value of the real estate?
6 Thank you.

7 MR. POLACH: I looked at those businesses as
8 part of my research.

9 The commercial uses within the area
10 are primarily ones that are used by customers who
11 reach those businesses by auto. The same customers
12 can access those businesses with Haymarket in place
13 that they could have before. The use of Haymarket
14 will not interfere with their ability to reach those
15 businesses, to utilize those businesses.

16 The building that Haymarket will
17 occupy exists currently. Nothing will be changed
18 with respect to that building.

19 The traffic issues have been
20 addressed.

21 So I see no reason why someone
22 traveling to any of those businesses to access them
23 as customers or employees would have any reason to
24 have an issue with the use of this property by

1 Haymarket.

2 The same goes for the industrial
3 uses in the area. Those properties can continue to
4 be used in the future just as they are currently.
5 And there's no reason to believe that there would be
6 any interference in using those businesses as a
7 result of Haymarket's use of the property.

8 CHAIRMAN DALY: Thank you.

9 Any other questions from the Plan
10 Commission for Mr. Polach?

11 Hearing none, Ms. O'Keefe.

12 REDIRECT EXAMINATION

13 BY MS. O'KEEFE:

14 Q. I only have just a couple questions.

15 Mr. Polach, during your earlier
16 testimony in January, you were asked a question that
17 appeared to imply that there has been a decrease in
18 sales prices due to -- in Itasca due to Haymarket's
19 proposed development.

20 Have you conducted any research
21 since the last hearing to determine if that is, in
22 fact, true?

23 A. Yes. It was pointed out that the
24 average price level for single-family detached homes

1 for the beginning half of 2020 was significantly
2 lower than some of the other prices in Itasca as a
3 whole. So to determine that and then part of the
4 reason for that would have been the fact that it was
5 only for a half a year period. There was limited
6 data as of that point, fewer number of sales, and
7 you were comparing a half a year to a full year in
8 the other years; so they didn't compare very well.

9 So since we had the opportunity now
10 to go back and look at the full year, we looked at
11 all of 2020 and looked at the price level for that
12 year; and the prices are more consistent with the
13 levels that we had seen in prior years. So it's
14 just the fact of having a fewer number of sales that
15 had occurred in half a year than if you take the
16 entire year and average them.

17 And to check this, we went back and
18 looked at the average sale prices over the last five
19 years, looked at them from 2016 through 2020 to see
20 if the levels were consistent over that period of
21 time.

22 And if you look at the average
23 appreciation rates for properties within a half mile
24 of the Haymarket proposed site and you compare the

1 average prices in 2016 to the average prices in
2 2020, you see that there was approximately
3 16 percent appreciation over that period of time.

4 If you did the same analysis for
5 sales throughout the entire village of Itasca and
6 compared the price levels in 2016, the average
7 prices to the prices in 2020, the appreciation rate
8 is very similar; and it is approximately 16 percent.

9 So it shows that there is really no
10 distinct difference that can be seen in the
11 appreciation rates in the areas either within a half
12 mile of the proposed facility or within all of
13 Itasca.

14 Q. Thank you.

15 As an MAI appraiser, there's
16 certain protocols you follow when you're performing
17 property value studies; correct?

18 A. Yes.

19 Q. And that involves development of a
20 report such as you have prepared and we submitted in
21 the record, which looks at comparable properties in
22 the environment -- in the area of immediate
23 surroundings in Itasca.

24 There was a lot of discussion

1 during the last two hearings about two studies that
2 you had referenced that were done in 2014 and 2019
3 which discuss the fact that -- the impact, if any,
4 that substance abuse centers had on property values.

5 How did you -- how when you're
6 looking at these do you weigh these studies in light
7 of the more in-depth research you did as part of
8 your report?

9 A. Those studies are just one of the tools
10 that we look at in doing an impact study of this
11 type. We use a number of different tools. One of
12 them is our own investigation of the property,
13 investigation of the zoning requirements, the
14 physical characteristics of the property, the
15 proposed use of the property, things of that nature.
16 That's one area that we look at, one tool that we
17 use in our analysis.

18 Then we also look for any existing
19 studies, ones such as we've referenced that show
20 that an in-depth analysis was made of sales and
21 resales adjoining these types of uses to see whether
22 or not someone has done an extensive detailed study
23 that we could learn from and use as another
24 consideration in our analysis. So we use that.

1 We also investigate on our own, as
2 much as possible, similar situations to determine
3 whether there was any confirmation or any reason to
4 come to a conclusion that would be different than
5 those shown by the studies that we have looked at.

6 So we use all of these tools in
7 analyzing a property of this type and a proposed use
8 of this type. This is something that is done in
9 every impact study that we're involved with.

10 Q. Okay. Last question.

11 There's been a lot of discussion
12 about Haymarket Chicago and should it be a comp to
13 study when you're looking at what the impact of a
14 property -- of a use will be on property in Itasca.

15 From the perspective of looking at
16 impact on property values, in your expert opinion,
17 what, if any, impact has Haymarket Chicago had on
18 its surrounding neighborhood?

19 A. The facility in Chicago is a
20 substantially larger facility than what is being
21 proposed here. It's a facility that has been in
22 existence for over 45 years. It has been operated
23 successfully over that period of time.

24 The area in which it's located is

1 an area that has seen significant change over recent
2 years. It's one of the fastest growing areas that
3 has been developed with luxury apartments and luxury
4 residences as well as commercial uses. One of the
5 fastest areas to have been developed in Chicago in
6 Chicago's history. This has been done in spite of
7 the fact that Haymarket was located there.

8 When you have a property in a city
9 in a densely populated area, there is always a
10 question of can various uses be compatible with each
11 other, can they exist with each other.

12 These uses in the city have been
13 compatible with Haymarket for a very long time. The
14 area has been redeveloped with commercial,
15 residential, school uses, bank uses, restaurant
16 uses. Across the street they -- a development is
17 being completed within 80 feet of the front door of
18 the Haymarket property. It's a development with
19 over 300 units, living units in it as well as
20 commercial space. Developers as well as investors
21 and residences are all willing to invest in this
22 area even with the existence of Haymarket. This
23 tells you that that is not seen as a detriment to
24 the area.

1 The area has been developed; and
2 you might say, well, the city of Chicago is so
3 densely populated that that's acceptable for the
4 city of Chicago to have properties in that proximity
5 to each other that are compatible, but if you get
6 out to the suburbs, well, that's not acceptable in
7 the suburbs.

8 If you look at the distances,
9 though, that are acceptable to the market in the
10 suburbs and you look at the proposed use of the
11 subject property and the distances to the adjoining
12 uses, those distances are more than enough to buffer
13 that property from the surrounding uses.

14 And if a property does not have an
15 impact in Chicago under those conditions, there's no
16 reason to believe that it would have an impact when
17 you put it in a suburban location with much larger
18 distances between adjoining uses.

19 Q. Going to Chairman Daly's earlier
20 question that would the development of Haymarket
21 DuPage be a disincentive to future development, that
22 has not been the case with Haymarket Chicago;
23 correct?

24 A. Exactly the opposite. That area has

1 developed with uses within literally feet, as I
2 said, across the street, 80 feet. And if you go to
3 the west, there's a school located within a few
4 hundred feet. There's McDonald's headquarters which
5 was developed approximately 500 feet to the west.
6 These are all distances that are far shorter than
7 the distances that we're looking at with regard to
8 Haymarket Itasca.

9 And the residential uses, as I
10 said, they're literally across the street from this
11 property; and there are properties in the area that
12 are selling for as much as \$4 million for
13 residential units.

14 So there's no reason to believe
15 that it would be a detriment to the adjoining uses.

16 MS. O'KEEFE: I have no further questions,
17 Mr. Chairman.

18 CHAIRMAN DALY: Thank you.

19 Does anyone else have further
20 questions for Mr. Polach?

21 MR. ELLENBECKER: Mr. Chairman, I do. Steve
22 Ellenbecker.

23 CHAIRMAN DALY: Please proceed.

24 ///

1 Q. Right. How many -- how many additional
2 sales were in the second half of 2020 that comprised
3 your summary?

4 No, no. Without looking at
5 anything because I don't have anything to look at
6 either. Just tell me how many sales you looked at.

7 A. It depends on the area. Those within a
8 half mile, there were, in the original study, five
9 sales in the second half of the year; including the
10 total year, there were 11 sales considered. In
11 regard to the -- all of Itasca, I believe there were
12 approximately 48 sales in the half a year and
13 something like 90 sales in the full year. So the
14 numbers essentially doubled.

15 Q. Okay. Now, you knew on January 13th
16 when you testified that you could have gone back and
17 looked at the second half of 2020 before coming in
18 to testify and relying on the chart that you had
19 prepared as part of the report; correct?

20 A. I could have. I was not asked to. The
21 report was published as of August, so the
22 information we had at that time was current as of
23 that time.

24 Q. Did somebody tell you you couldn't

1 update your report?

2 A. I was not asked to update the report.

3 Q. Okay. My question was a little
4 different.

5 Did somebody tell you that you
6 couldn't update your report?

7 A. I had no reason to update it if I wasn't
8 asked to update it.

9 Q. So who asked you to update it now since
10 January 13th?

11 A. I didn't update the entire report. I
12 just updated the figures with regard to the sales
13 averages.

14 Q. Who asked you to update the sales
15 figures as to the averages since January 13th?

16 A. Well, that was a question that came up
17 in the last hearing, so I looked at the reason why
18 that number was lower than would be anticipated
19 because of a question that you had asked at that
20 time. So I checked to see what we had with regard
21 to sales for the entire year now that they were
22 available.

23 Q. So you didn't need somebody to ask you
24 to update your report, you just needed somebody to

1 ask you about the data you had in your report for
2 you to go back and look at the second half of 2020;
3 true?

4 A. Well, as I said, you asked me the
5 question, so I went back to look at it to see why
6 that figure was lower and updated the figures.

7 Q. Toward the tail end of Ms. O'Keefe's
8 redirect, you were talking or testifying about the
9 comparison between Haymarket West Loop and the
10 proposed Haymarket DuPage facility -- correct? --
11 with regard to impact on development?

12 A. Yes.

13 Q. To simplify that, are you saying that
14 there's no difference between the impact on
15 properties in a dense urban setting as there would
16 be in a suburban setting?

17 A. No. There can be. Certainly it depends
18 on the specifics of the property.

19 Q. And did you talk to any developers of
20 the Near West Loop area in and around Haymarket's
21 West Loop facility to find out what, if any, impact
22 it had on their decision and the pricing on their
23 developments?

24 A. Not specifically, no.

1 Q. Did you talk to any of the residents in
2 and around the Haymarket West Loop that you claim
3 experienced no impact as a result of Haymarket West
4 Loop?

5 A. Not in connection with this assignment,
6 no.

7 Q. Did you talk to any of the fire
8 department or firemen or EMS personnel who get
9 called to Haymarket West Loop to find out what
10 impact, if any, it has?

11 A. No.

12 Q. You would agree that the Haymarket West
13 Loop facility size in term -- in comparison to the
14 Haymarket DuPage facility is about, what, one and a
15 half -- one and a half times larger, 400 beds to
16 240?

17 A. Approximately.

18 Q. Okay. And the size difference between
19 the proposed Haymarket facility in DuPage and the
20 comp you chose in Woodridge is about six times --
21 correct? -- 240 beds to 39 beds?

22 A. Looking at that one particular facility,
23 yes.

24 Q. What about the second facility? Was

1 that one larger?

2 A. No.

3 MS. O'KEEFE: I'm going to object. We're
4 going outside the scope of the redirect. This is --
5 this is not -- these are not -- the other comps were
6 not raised. So you asked questions about West
7 Chicago -- or with regards to the West Loop, that
8 was within the scope. This isn't.

9 MR. ELLENBECKER: Well, it's a natural
10 corollary.

11 MS. O'KEEFE: It's not within the scope. You
12 had your chance the first time. I object.

13 MR. ELLENBECKER: You objected. Now I'm
14 responding to your objection.

15 It was raised and suggested by
16 Mr. Polach in his testimony that the urban setting
17 is no different than the impact that would be seen
18 in the suburban setting in DuPage, and part of that
19 he equated to size of the facilities and his comps;
20 and a further connection is on direct exam or
21 redirect, she asked him about his in-depth research,
22 and he waxed poetic on his redirect testimony about
23 it. So I'm delving deeper into his in-depth
24 research.

1 MR. HERVAS: Let me -- let me jump in here.

2 Normally in trial work the
3 follow-up has to be within the scope of what the
4 redirect was. And, you know, so this one is -- it's
5 related, but the most important question is is the
6 line of questioning going to be helpful to the Plan
7 Commission in making a determination. Are we
8 wasting our time going off into a tangent or are
9 getting to the specific issues here.

10 And so from how I see this,
11 Mr. Ellenbecker is staying within the general scope
12 and that the questions relate to essentially the
13 size and the comparison there.

14 So, Mr. Ellenbecker, I just would
15 ask you to be mindful that we have covered this once
16 before, and so please in your follow-up be brief.
17 Thank you.

18 MR. ELLENBECKER: Sure.

19 BY MR. ELLENBECKER:

20 Q. I think I have a pending question,
21 Mr. Polach. Do you want me to restate it?

22 A. If you would, please.

23 Q. I'll do my best.

24 We were talking about size of the

1 proposed Haymarket DuPage compared to your comp
2 facilities; and I mentioned Woodridge Interventions
3 which had 39 beds, and you said, well, that's one of
4 my comps. I said, well, what was the size of your
5 other comp. Do you remember that?

6 A. It was in that same range. I don't
7 recall the exact number.

8 Q. Okay. And so the last couple of
9 questions I have, Chairman Daly asked you about the
10 impact on other property as a result of the proposed
11 facility. And as part of your research, you did
12 look at these other comps.

13 But you would agree that with
14 regard to the comps you looked at in determination
15 of their impact on -- or the proposed Haymarket
16 DuPage impact, those comp facilities, you don't know
17 when they were opened; correct?

18 A. Not that I recall offhand, no.

19 Q. Right. And you and I talked -- and it's
20 relevant in the sense that you and I talked briefly
21 about some prior testimony you had given on behalf
22 of an objector in McLean County regarding a gravel
23 pit. Do you remember that?

24 MS. O'KEEFE: I have to object on, once

1 again, going to the relevance. Chairman Daly had
2 some very distinct questions, and I don't understand
3 what this has to do with gravel pit testimony.

4 MR. ELLENBECKER: Well, I'm going to ask him
5 about his philosophy and his principles that he
6 espoused there and how they're inconsistent with
7 what he's saying here. So it's absolutely relevant.

8 MR. HERVAS: Does it -- hang on. Does this
9 relate to the impact on other properties and the
10 size issue? Is that -- are we -- is that the
11 subject matter here?

12 MR. ELLENBECKER: It's a direct follow-up to
13 Mr. Daly's -- Chairman Daly's questions about
14 whether the proposed facility would impact
15 development on other facilities. And the use or the
16 reference back to his comp facilities is necessary
17 because he said he did not look at those comps in
18 relation to their impact on the other property with
19 regard to when they opened.

20 And so I have that question, and
21 then there's one follow-up to that.

22 MR. HERVAS: Well, as long as we're staying
23 on the -- I mean, I'll give you some leeway here in
24 terms of how it relates to the testimony, I guess it

1 was involving a gravel pit, but it's got to relate
2 to what we're talking about right now.

3 MR. ELLENBECKER: It absolutely does, I
4 believe. He can tell me I'm wrong.

5 BY MR. ELLENBECKER:

6 Q. Mr. Polach, do you recall -- so I'll ask
7 the question again.

8 With regard to the two comp
9 facilities, in your analysis of their impact on
10 neighboring properties, you were not able to or did
11 not assess their impact based on knowing when those
12 two facilities opened; correct?

13 A. Not with regard to those two. There was
14 one of the comps that we had looked at where we did
15 look at the date of opening versus a current date to
16 determine any impact as a result of the opening.

17 Q. Right. And I -- I don't like talking
18 about gravel pits; but the reason I'm bringing up
19 the gravel pit is when you testified for an
20 objector, you testified that you would want to find
21 newly established -- established gravel pits to
22 determine their impact on the surrounding
23 properties. Do you remember saying that?

24 A. Yes.

1 Q. And on that same note, you testified
2 that examining an existing facility is not an
3 accurate reflection of what happens when you
4 introduce a new use into an area; correct?

5 A. In that instance, yes.

6 Q. And introducing a 240-bed rehabilitation
7 facility into Itasca, specifically at 860 West
8 Irving Park Road, is introducing a new use into the
9 area; correct?

10 A. Yes, it is.

11 MR. ELLENBECKER: That's all I have. Thank
12 you.

13 CHAIRMAN DALY: Thank you, Mr. Ellenbecker.

14 Thank you, Mr. Polach.

15 At this time, I believe we've --
16 well, let me ask the question. Does anyone else
17 have any further questions for Mr. Polach at this
18 time?

19 Hearing none, I'd ask Ms. O'Keefe
20 if you'd like to excuse your witness.

21 MS. O'KEEFE: Yes, we can excuse Mr. Polach
22 at this time. I reserve the right to recall if need
23 to.

24 CHAIRMAN DALY: Okay. Thank you very much.

1 Thank you, Mr. Polach. Have a good
2 evening.

3 MR. POLACH: Thank you too.

4 (Mr. Kenneth Polach excused.)

5 CHAIRMAN DALY: At this point, Ms. O'Keefe,
6 would you like to introduce Mr. Kisiel?

7 MS. O'KEEFE: I would. Thank you,
8 Mr. Chairman.

9 I'd like to introduce to the
10 Commission and to the public George Kisiel. He is a
11 principal with Okrent Kisiel Associates.

12 Mr. Kisiel is a licensed architect
13 and certified planner, and he is responsible for
14 Okrent Kisiel's planning and urban design division.

15 He graduated with a bachelor's in
16 architecture from UIC in 1989 and a master's in
17 urban planning from UIC in 2009.

18 I'd like to ask Mr. Kisiel to
19 introduce himself and his qualifications more fully,
20 and then I ask the Commission to accept him as an
21 expert witness.

22 So I'll turn it over to Mr. Kisiel.

23 MR. KISIEL: Thank you.

24 What Ms. O'Keefe said is --

1 basically covers the basics of it. My name is
2 George Kisiel. I'm the president of Okrent Kisiel
3 Associates. I have over 39 years of experience in
4 planning and zoning throughout the city of Chicago
5 and the surrounding metropolitan area.

6 I am a licensed architect and a
7 certified planner.

8 I have an undergraduate degree, a
9 bachelor of architecture from University of Illinois
10 Chicago and a master's of urban planning and policy.

11 Over the course of my career, I've
12 had a chance to work on a broad range of projects
13 both involving development and involving testimony.

14 I have experience in DuPage County
15 that dates back to the early '80s, the beginning of
16 my career where the firm was doing a fair amount of
17 land plans for suburban office and business parks.
18 In fact, one of the first projects I worked on was
19 actually Spring Lake Business Park, so I'm
20 intimately familiar with the development of that
21 property over the years.

22 I did also grow up in nearby
23 Addison, so I'm also familiar with the general lay
24 of the land in this neck of the woods, so to speak.

1 Other experience, you know,
2 includes a fair amount of testimony on matters of
3 zoning and planning, expert testimony on eminent
4 domain cases. I've worked for the school -- the
5 Woodridge School District and the Illinois
6 Department of Transportation in DuPage County. Done
7 a fair amount of work in the city of Chicago,
8 particularly in large-scale master plans as well as
9 securing development for large planned developments
10 in the city of Chicago.

11 Several of the projects I've worked
12 on were the Illinois Medical District, West Loop
13 Gate Master Plan. I've done work for West Central
14 Association. Those are relevant due to the fact
15 that Haymarket -- the Haymarket Chicago facility
16 lies within the boundaries of those plans.

17 I've also done a fair amount of
18 development approval work in the Near West Side of
19 the city. I've worked on the high-end hotel
20 project. I've worked on the Google headquarters,
21 several residential projects in close proximity to
22 the -- the Haymarket site in -- in Chicago.

23 I also have experience
24 internationally broad-based doing large-scale plans

1 for entirely new cities in the Middle East, which
2 involves more of a larger scale type of planning,
3 which also includes planning for healthcare, civil
4 defense, and various other services along with, you
5 know, the distribution of various land uses,
6 residential, commercial, office, et cetera.

7 So I have a very broad-based
8 background in planning as well as in zoning, having
9 authored the equivalent of zoning ordinances in the
10 Middle East for these new cities.

11 MS. O'KEEFE: So, Mr. Chairman, I'd like to
12 ask that you accept Mr. Okrent as an expert witness.

13 MR. KISIEL: Mr. Kisiel.

14 CHAIRMAN DALY: Ms. O'Keefe --

15 MS. O'KEEFE: Sorry. Mr. Kisiel.

16 CHAIRMAN DALY: -- based on Mr. Kisiel's
17 education, experience, and certifications and
18 licensure in the business, I, on behalf of the Plan
19 Commission, accept him as an expert witness.

20 (Petitioner's Exhibits Nos. 50 and
21 51 identified.)

22 MS. O'KEEFE: I'd also like to just a little
23 bit of housekeeping as we get started. I'd like to
24 introduce into the record Exhibit 50, which is

1 Mr. Kisiel's PowerPoint presentation that he's going
2 to talk from tonight.

3 And I'd also like to introduce as
4 Exhibit Number 51, it's an amended evaluation report
5 which is basically identical to that that was
6 introduced in August of 2020, except there was a
7 couple minor mathematical changes on pages 21 and
8 25. So the village attorney recommended that we
9 introduce an amended report to capture those minor
10 changes as a new -- as a new amended evaluation
11 report dated February 1st, 2021.

12 So we ask that you accept into the
13 record Exhibits 50 and 51.

14 (Petitioner's Exhibits Nos. 50 and
15 51 admitted)

16 CHAIRMAN DALY: We accept Exhibits 50 and 51
17 into the record.

18 Please proceed.

19 MS. O'KEEFE: Thank you.

20 I'm going to turn it over to
21 Mr. Kisiel.

22 Do we need to pull up your
23 PowerPoint now?

24 MR. KISIEL: That would be useful, yes.

1 MS. O'KEEFE: Okay.

2 CHAIRMAN DALY: And, Mr. Kisiel, just as a
3 point of housekeeping as well, if -- after your
4 PowerPoint presentation, I'd ask that we take a
5 five- to 10-minute recess at 8:30, just to give
6 everybody a break; and then we'll continue with
7 either your presentation or cross-examination at
8 that point. Thank you.

9 MR. KISIEL: Okay. Fine with me.

10 So as you already heard, my name is
11 George Kisiel. I'm the president of Okrent Kisiel
12 Associates.

13 We can move to the next slide,
14 please.

15 The next slide talks about my
16 credentials, which we've also already gone through,
17 so we can skip to the outline of what I'm going to
18 talk about this evening.

19 So I'm going to talk about the
20 proposed use, the land use context -- I'm sorry,
21 could you go back one slide? Thank you.

22 (Continuing.) -- the land use
23 context, the land use impacts, the economic impacts,
24 an analysis of need or demand and for a particular

1 use. We're going to talk about a little bit about
2 the planning context and zoning context, and then
3 we'll go through a standards evaluation covering the
4 standards for both special uses, planned
5 developments, and site plan review.

6 Next slide, please.

7 So with respect to the proposed
8 use, this is a not-for-profit healthcare facility
9 for substance use disorders. A total of 240 beds,
10 96 for treatment and 144 recovery homes including
11 outpatient services. Slots for 96 outpatient
12 services with approximately half of those being
13 occupied by the residents or the occupants of the
14 recovery home.

15 This is an adaptive reuse of a
16 former hotel, and there's no substantial exterior
17 alterations that have been -- that are planned.

18 It's a bit of a mismatch to the
19 process -- this is a planned development -- for a
20 couple of reasons. I think the key reason why it
21 was decided to go to planned development is that
22 this was categorized as a mixed use. I think
23 there's a little bit of a misunderstanding there
24 about what a mixed use is.

1 Mixed use is a combination of two
2 principal uses. So, for instance, we have a
3 situation where you have the ground floor of a -- of
4 an apartment building occupied by a commercial use.
5 The uses are not related to each other. The
6 commercial use is independent from the residential
7 use. That's a legitimate mixed use. Similarly, a
8 hotel could occupy the lower floors of a high-rise
9 office building. Again, the two uses being
10 disconnected and not related to one another. That's
11 another example of a mixed use.

12 The situation with the proposed
13 Haymarket development is that it's really not a
14 mixed use. It's the same use with perhaps an
15 accessory component, an access lodging component.
16 All of it is related to the healthcare mission of
17 the facility. If someone happens to be staying
18 there for an extended period of time, it's only to
19 receive treatment; and those who are receiving
20 treatment are there on a regimented schedule and a
21 very structured sort of schedule over the course of
22 their day. So it is not really the same as a mixed
23 use because the two uses are interrelated and
24 anything that could be conceived of as a lodging use

1 is more accessory to the treatment than it is an
2 independent use in and of itself. And we'll find
3 this out when we start to look at the planned
4 development standards that it's really kind of a
5 square peg in a round hole.

6 Planned development ordinances,
7 particularly in suburban municipalities, are focused
8 on land subdivision, multiple buildings and multiple
9 uses. And as we go through those standards, we see
10 a lot of them relate to that and don't -- not really
11 applicable to this development.

12 So the fact of the matter is that
13 this is a not-for-profit healthcare facility. It
14 fits better within the definition of what a hospital
15 is in the zoning ordinance of Itasca. And if you'll
16 forgive me, I just want to read that to bring that
17 to light.

18 So under the definitions in the
19 zoning ordinance, a hospital is any institution,
20 place, building, or agency, public or private,
21 whether organized for profit or not, devoted
22 primarily to the maintenance and operation of
23 facilities for the diagnosis, treatment, and care of
24 two or more unrelated persons admitted for overnight

1 stay or longer in order to obtain medical care,
2 including obstetric, psychiatric, nursing care of
3 illness, disease, injury, infirmity, or deformity.

4 It goes on to say the term
5 "hospital," without regard to length of stay, shall
6 also include any facility which is devoted primarily
7 to providing psychiatric and related services and
8 programs for the diagnosis and treatment or care of
9 two or more unrelated persons suffering from
10 emotional or nervous disease.

11 Then it goes on to say the term
12 "hospital" includes general and specialized
13 hospitals, tuberculosis sanitarium, mental or
14 physical hospitals and sanitarium, includes maternity
15 homes, lying-in homes, homes for unwed mothers in
16 which aid is given during delivery.

17 So the fact of the matter is the
18 proposed use fits better into that category, which
19 is a healthcare use, which is an authorized special
20 use in the zoning district in which it's located,
21 fits better. And we'll find that when we look at
22 the special use standards that it makes a lot more
23 sense to evaluate with respect to those.

24 So a hospital itself is no more a

1 mixed use than the proposed facility. In hospitals
2 you have food service, you have offices, you have
3 facilities -- sometimes lodging facilities for
4 visiting family members, for patients' family
5 members who are there for long-term care.

6 So I really do think that the
7 classification of this as a mixed-use development
8 kind of doesn't make sense in this context.

9 Could we have the next slide,
10 please.

11 So now we're going to talk about
12 the land use context. We're going to step down in
13 large scale down to small scale.

14 So to prepare for this, what we did
15 is we used a geographic information system to
16 perform this analysis. We downloaded the DuPage
17 County Assessor's data, which includes parcel data
18 throughout the entire county as well as the tax
19 records that are attached to that. In those tax
20 records is a land use classification, and we used
21 that land use classification to basically produce
22 the map that's in front of you.

23 The interesting thing about Itasca
24 is it's split basically into quadrants by two

1 expressways, the north-south being 290 and the
2 east-west being the new 390. In the past it was
3 Thorndale Road and the Elgin-O'Hare Expressway.

4 What you see is in the southeast
5 quadrant is generally where all of the residential
6 uses are, and this is sort of the historic part of
7 town that's focused around the train station on
8 Irving Park Road. That area was kind of split into
9 a north and a south side by that -- what was a major
10 thoroughfare at that point in time.

11 As you know, to the -- the
12 southwest quadrant is dominated by industrial, light
13 industrial, and commercial uses. The northeast
14 quadrant is similar with some commercial uses and a
15 new parcel of land that's become available for
16 development, the Bridge Point project, which I'm
17 sure everyone in Itasca and on this board is
18 familiar with. And of course there's Hamilton Lakes
19 to the northeast quadrant.

20 Basically 60 percent of all of the
21 taxable land in Itasca is dedicated to
22 nonresidential and commercial uses. When we start
23 to talk about the tax base, that's one of the main
24 factors that we look at when we're ascertaining the

1 health of a tax base of a particular municipality.

2 By all measures and by all
3 accounts, the tax base of Itasca is quite healthy
4 based on this distribution of land uses.

5 If we could have the next slide,
6 please.

7 So moving in from that sort of
8 general assessment now, we're going to drop down
9 closer and closer to the site and get a little bit
10 more specific about the land uses.

11 So this was prepared from a
12 combination of the assessor's data as well as aerial
13 photo verification, a little bit of poking around on
14 Google Street View, and of course driving around the
15 area and verifying some of the uses.

16 So in the vicinity of the subject
17 property, west of 290, we see a bit of a mix of
18 light industrial, office uses, and some commercial
19 uses along Irving Park Road.

20 A couple notable uses are Stephen
21 Gould immediately to the south adjacent, which is a
22 package design and manufacturing facility. I
23 believe it is Ecolab, which is medical office and
24 testing, and Glass Solutions immediately to the

1 west, a producer of glass product, and the America's
2 Best, which is a retail hobby store.

3 Immediately north is Diverzify,
4 which was formerly Mr. Dave's Flooring warehouse,
5 and immediately to the west of that is the gym and
6 the music -- the music use.

7 So if we could move on to the next
8 slide.

9 So now we're moving even in closer,
10 a little bit finer grain talking about the adjacent
11 uses. We already covered America's Best, Diverzify,
12 Gym Stars, and Music & Arts.

13 As we move further down the road,
14 we have Premier Group Design Build, Hankyu Hashin,
15 which is a distribution facility, the institutional
16 use of U.S. Post Office.

17 Once we hit the intersection of
18 Irving Park and Rohlwing Road, you know, it's much
19 more commercial in a nature, a small strip center
20 with various uses, restaurants and service uses.
21 Similar uses to the west, in the northwest quadrant;
22 similar uses southwest quadrant, and a Mobil gas
23 station in the southeast quadrant.

24 So the takeaway from this is that

1 the subject property is basically surrounded by
2 commercial and light industrial uses. It's divided
3 from other residential and perhaps more sensitive
4 uses by 10 lanes of depressed highway which acts
5 basically as a land use buffer and barrier. The
6 fact of the matter is the land use attributes of a
7 10-lane expressway is far more detrimental than any
8 of the commercial uses in terms of their impacts on
9 more sensitive uses.

10 And if we could move to the next
11 slide, please.

12 We're going to move on and talk
13 about the land use impacts of the proposed use.

14 So to prepare for this, we took a
15 look at, of course, the reports of other experts,
16 particularly the traffic report prepared by KLOA.
17 We also had conversations with personnel from
18 Haymarket regarding the operation of the facility.
19 We took a look, of course, at what the impacts of a
20 hotel are and were in terms of traffic.

21 And what we find out is the land
22 use impacts are not dissimilar than what they were
23 from the hotel. It's similar in terms of the hours
24 of operation. Both are 24-hour operations with

1 activity during the daytime and less as you go on
2 through the evening. Traffic generation is similar.
3 Based on Mr. Aboona's report, it would be less than
4 the traffic generation from the hotel. And the
5 parking demand, you know, is certainly satisfied by
6 what's required by zoning. Based on the operating
7 aspects and the characteristics of the personnel who
8 will be serviced at the location, it's unlikely that
9 the amount of parking that there is on-site will
10 ever be filled and that it's really probably
11 overparked for what this use will be.

12 In terms of other land use impacts,
13 noise, odor, vibration, particulate matter, threat
14 of explosion, fire, toxic release, is negligible, as
15 it was with the hotel use.

16 If we can move to the next slide,
17 please.

18 So the other thing, of course, one
19 of the reasons why the impacts are minimal is the
20 distance from residential uses. So as the crow
21 flies, the nearest use is to the northeast 714 feet.
22 And, again, the intervening expressway that's grade
23 separated, there's also an elevated rail line, and
24 there's also sound barrier walls that are along the

1 eastern side of the expressway that shield the
2 impacts of the expressway from the residential
3 development adjacent to the east. As -- 714 feet
4 is, you know, the lot line to lot line distance.
5 Travel distance is closer to a half a mile, 2,287
6 feet. If we look in the other direction, the
7 nearest residential property as the crow flies is
8 about 1200 feet with a walking distance of 1950.

9 So the use is well removed from any
10 adjacent residential uses; and it's adjacent to
11 commercial properties, both office, commercial, and
12 light industrial uses.

13 Next slide, please.

14 So next we're going to talk about
15 economic impacts. So when we're -- to prepare for
16 an analysis of economic impacts, again, we took a
17 look at the assessor's data, which, of course,
18 contains information about the tax base and
19 taxation. We looked at -- took a quick look at the
20 taxing body budgets. And, of course, we looked at
21 the expert reports from Gruen and Gruen and Polaris.
22 And we did take a look at some village budget
23 documents just to get a sort of lay of the land in
24 terms of conditions that there are in Itasca at the

1 moment .

2 So in terms of economic impacts of
3 the development, it generally falls into two
4 categories. There's a revenue generation portion of
5 it, which basically is property tax impact; and then
6 there's the impact on municipal services and the
7 costs to provide school, police, fire, and EMS to
8 the proposed development.

9 Could we have the next slide,
10 please.

11 So with respect to the property tax
12 impact, we intimated this a little bit earlier in
13 the land use portion. Itasca does have a fairly
14 healthy tax base just from a land use perspective.

15 The prior use generated about
16 178,000 in taxes. And if you look at that over the
17 budgets of all of those who would draw from that,
18 it's a very small proportion of those budgets, less
19 than one percent of each of the taxing bodies.

20 The fact that it's a not-for-profit
21 owner at this point, you know, maybe makes it
22 inappropriate to compare from the prior hotel use
23 because no matter what the owner is going to do with
24 the property, they have the ability to apply for a

1 property tax exemption. That hasn't been granted
2 yet and it's not a given; however, it's likely that
3 that will happen whether or not the development goes
4 forward.

5 The other thing about Itasca's tax
6 base, while Itasca's landlocked with respect to its
7 boundaries, it doesn't have opportunities to annex
8 more land and develop more land, there's some key
9 pieces of property that are undeveloped at this
10 point in time or that are going -- that are under
11 development at this point. We mentioned the Bridge
12 Point development earlier, which is set to generate
13 a significant amount of taxes both in terms of real
14 estate and use taxes when you take a look at the
15 presentations and proposals that they've made to
16 this board.

17 And there are a few other parcels
18 that are also available for development now that all
19 of the eminent domain and alignment issues with the
20 Elgin-O'Hare Expressway have been sort of put to
21 rest. New interchanges basically changed the
22 character of some of those properties, particularly
23 the southern end of Hamilton Lakes, and provide
24 additional opportunities for a new development to

1 help bolster the tax base.

2 If we could move to the next slide,
3 please.

4 With respect to the other economic
5 impacts in terms of services, school, police, fire,
6 and EMS, with respect to schools, because there are
7 no children in the facility, there would be no cost
8 to the schools, no additional students for them to
9 educate.

10 As far as police, fire, and EMS,
11 the Polaris and Gruen reports come to the
12 conclusions that there would be minimum impact, and
13 certainly not anything so significant to justify,
14 you know, the denial of this proposal and the
15 discrimination of a protected class of disabled
16 citizens.

17 If we could move to the next slide,
18 please.

19 So now we're going to talk about
20 need. One of the standards in just about all
21 special use evaluations is whether there's a need
22 for the particular use in its location. In order to
23 get an idea of what the need is, we're basically
24 doing the equivalent of what would be a demand

1 study. So if it's for apartments or retail, you
2 know, we'd be looking at what the demand is, you
3 know, we'd be looking at aspects of what -- what are
4 the characteristics of the population surrounding
5 here, what are their spending habits, what's the
6 disposable income, et cetera, what do they have
7 available, and are those numbers being captured by
8 some other use, et cetera. We do sort of the same
9 thing here except with substance abuse and substance
10 use disorders.

11 So basically we used, again, the
12 geographic information system to bring census data
13 in to get an idea of the population, both in terms
14 of locally and on a broad base. We also took a look
15 at the report statistics from the National Survey on
16 Drug Use and Health. This is a national survey that
17 covers a broad range of issues and provides all of
18 the metrics necessary to get an idea of what the
19 demand is for these types of uses.

20 We also did an inventory of
21 existing facilities based on the National Survey of
22 Substance Abuse and Treatment Services, the report
23 for Illinois, and the Illinois Department of
24 Health's Substance Use Prevention and Recovery

1 database or what we refer to as a SUPR list.

2 So what that does is that gives us
3 a list of all the licensed facilities and the
4 different levels of care that they provide. So what
5 we did is compiled a database based on those of
6 similar -- of facilities that provided a similar
7 level of care. And along with several internet
8 searches and poking around at the websites of these
9 facilities, we were able to discern the number of
10 beds that they have available either for treatment,
11 inpatient treatment as well as for recovery homes.

12 And then finally, the last piece
13 that we needed to find out is what the average
14 length of stay is for each of those particular
15 services. And this is based on consultation
16 basically with Haymarket and their experience in
17 terms of how long a typical stay is in a treatment
18 facility -- they say 28 days -- and what it is in a
19 recovery home. They say about 90 days or three
20 months.

21 So if we can move on to the next
22 slide, please.

23 MR. ELLENBECKER: At this point,
24 Mr. Chairman, Mr. Hervas, I'd object to this whole

1 line of testimony based on foundation. I heard his
2 credentials and the reasons for why he was being
3 offered as an expert, and there's no substance abuse
4 disorder treatments or public health or anything
5 else along those lines in his background and
6 expertise; therefore, I would move to strike the
7 testimony on the last slide and object based on lack
8 of foundation.

9 MR. HERVAS: Mr. Ellenbecker, your objection
10 is noted for the record. That's going to go to
11 weight and you can cross-examine on that, but your
12 objection is going to be overruled.

13 MR. KISIEL: Shall I continue?

14 MR. HERVAS: Yes. Continue, please.

15 MR. KISIEL: Okay. Thank you.

16 So now we're going to basically --
17 the profile of the National Survey on Drug Use and
18 Health, basically it provides information on
19 alcohol, drug, and tobacco use, mental health and
20 other issues. It's a study that's been going on
21 since 1971. It's well-developed and well-respected
22 throughout the industry.

23 The information is used to support
24 prevention and also to develop policy on public

1 health, and we're using it here to ascertain sort of
2 the level of need and how that need is or isn't
3 being met at several different levels, at the state,
4 county, local; and we also did an analysis within a
5 10-mile radius of the -- of the subject property.

6 If we can move to the next slide,
7 please.

8 MS. O'KEEFE: Mr. Kisiel, can I take one
9 second?

10 MR. KISIEL: Certainly.

11 MS. O'KEEFE: We -- can you please elaborate
12 on --

13 MR. KISIEL: I'm sorry. The sound has cut
14 out. Is everybody else hearing this?

15 CHAIRMAN DALY: Mr. Kisiel, I'm experiencing
16 the same thing. Ms. O'Keefe cut out.

17 MR. KISIEL: Thank you.

18 CHAIRMAN DALY: Please elaborate on --

19 MS. O'KEEFE: Can you hear me now?

20 CHAIRMAN DALY: Yes. Please proceed.

21 MS. O'KEEFE: Hello?

22 CHAIRMAN DALY: Yes.

23 MR. KISIEL: Yes.

24 CHAIRMAN DALY: How about at this time, since

1 we're having technical issues, we take a five- to
2 10-minute recess now; and then once we get
3 Ms. O'Keefe's sound back up and running, we'll
4 continue with the presentation.

5 MR. KISIEL: Good for me.

6 CHAIRMAN DALY: Okay. So I have 8:22. Let's
7 reconvene at 8:30 sharp.

8 MR. KISIEL: Sounds good.

9 CHAIRMAN DALY: Thank you.

10 (Recess taken.)

11 CHAIRMAN DALY: Let us continue.

12 You were in the middle of asking
13 Mr. Kisiel a question. Then we lost you.

14 MS. O'KEEFE: Yeah, I'm sorry about that.

15 I think we're just going to keep
16 going with Mr. Kisiel's testimony at this point.

17 So, George, you take -- take it on.

18 MR. KISIEL: Okay. If we could have the
19 PowerPoint back up.

20 Okay. If everyone's ready.

21 CHAIRMAN DALY: Go ahead.

22 MR. KISIEL: Okay. Thank you.

23 So we were at the point where we
24 were talking about the statistics from the National

1 Survey on Drug Use and Health. So this is the
2 federal government's database and compiled data as
3 we're using the 2018 detailed tables.

4 What we tried to do is answer the
5 question of what -- what percent of the population
6 is in need of substance use disorder treatment, what
7 percent of that population that needs treatment
8 actually seeks treatment, and what percent of that
9 population seeking treatment seeks treatment in an
10 inpatient facility.

11 So it's important to understand
12 that this is a very conservative estimate of demand.

13 We could certainly stop at the
14 first sort of level here in terms of what percent of
15 a population is in need of substance use disorder
16 treatment simply because that's the indication of
17 the actual need. What we're doing is we're drilling
18 down a little bit further just in terms of those who
19 will actually seek treatment and seek treatment in
20 an inpatient facility.

21 So if we could move to the next
22 slide, please.

23 So as far as what percent of the
24 population is in need of substance use disorder

1 treatment, this comes from the table in the national
2 statistical analysis that talks about people who are
3 classified as needing substance use treatment in the
4 past year.

5 So the number for that is the
6 population 18 and older, 8.2 percent are in need of
7 substance use treatment. We used the 18 and above
8 number throughout this analysis because we're --
9 that's the -- the comparable, so to speak. That's
10 what Haymarket's target population is. So we're not
11 looking at adolescents. It's only the population 18
12 and older. So 8.2 percent of that population is
13 classified as needing substance use disorder
14 treatment.

15 Of that percent, that same table
16 tells you what percent in need actually received
17 treatment; so 11.2 percent of those in need actually
18 received treatment. And if we're looking at the
19 amount -- the people who seek treatment, the
20 assumption is that if you have received treatment
21 that you actually sought treatment.

22 The second component of that is
23 those -- finding out those who sought treatment but
24 didn't receive treatment for various reasons. The

1 Table 5.39B has that data. It indicates it's 2.2
2 percent of those who are in need of substance use
3 disorder treatment seek it but don't receive it. So
4 in terms of the population in need and seeking
5 treatment, that's 13.4 percent of those down the
6 line here.

7 So if we could have the next slide,
8 please.

9 So the final portion we're at is
10 for those who are -- what percent of those who seek
11 treatment seek treatment in an inpatient facility.
12 Again, that a statistic that's tracked in the NSDUH.
13 And the number comes up to be 75.2 percent of those
14 who are in need of substance use treatment seek
15 treatment and seek it at an inpatient facility.

16 So we applied these factors to the
17 population 18 and over for the state of Illinois,
18 DuPage County, and a 10-mile radius of the subject
19 property.

20 If we could have the next slide,
21 please.

22 So the other component is finding
23 out what the existing inventory of treatment beds
24 are. So in the state of Illinois, the 2017 state

1 profile indicates that there's 3,141 designated beds
2 in Illinois. The inventory within DuPage County
3 based on the SUPR list, there are 94 beds in DuPage
4 County; and if we expand the 10-mile radius around
5 the subject property, there are 179 treatment beds
6 and eight recovery home beds. We go a little bit
7 more detailed in the 10-mile radius to cover the
8 recovery home beds instead of just the treatment
9 beds.

10 If we could have the next slide,
11 please.

12 So if we apply these numbers to the
13 state of Illinois and the -- this is based on the
14 United States census data. The five-year American
15 Community Survey Data, there's 8-point [sic] million
16 adults 18 and over in the state of Illinois. So at
17 8.2 percent of that population, that's over 800,000
18 people who statistically are in need of substance
19 use disorder treatment.

20 If we apply the next two factors to
21 that, winnowing down that number, 13 percent of that
22 806 and 75 percent of that 13 percent, the total is
23 over 180,000 who are seeking treatment, inpatient
24 treatment annually. And, you know, again, based on

1 Haymarket's data of an average stay of 28 days, one
2 treatment bed can service 12 patients a year.

3 So the requirement, dividing 81,000
4 by 12 is 6700 beds, and the total inventory is
5 absolutely overwhelmed by a factor of two inside the
6 state of Illinois. So it's evident that overall in
7 general in the state of Illinois, there's a shortage
8 of inpatient treatment beds to accommodate the
9 population according to statistics that are
10 seeking -- needing and seeking inpatient treatment.

11 If we could have the next slide,
12 please.

13 So we apply the same factors to
14 DuPage County. With an adult population of about
15 700,000, that translates to over 58,000 in need and
16 5900 seeking inpatient treatment. It would require
17 over 490 beds. DuPage total inventory is only 94
18 treatment beds.

19 If we could have the next slide,
20 please.

21 We know DuPage County, there's a
22 need in DuPage County. One of the more acute issues
23 recently is the opioid overdose epidemic. We know
24 in the United States 450,000 lives have been lost

1 since 2000. Between 2015 and 2019, Illinois lost
2 over 9700 lives to opioid overdoses. DuPage itself
3 had 435 opioid-related deaths.

4 If we could have the next slide,
5 please.

6 So if we're talking about the local
7 need summary, you know, the question you keep
8 hearing is why Itasca for this location. Well, a
9 couple of things to factor in. First of all, why
10 Itasca may not really be the question to ask. The
11 fact of the matter is that healthcare planning
12 doesn't take place on a local basis. It takes place
13 on a county and statewide basis.

14 So when we take a look at the local
15 need in terms of a facility like this, you know,
16 even the adult population of Itasca and the adjacent
17 municipalities is about 180,000, which indicates
18 about, you know, 14,000 who would be in need of
19 treatment in Itasca and the adjacent suburbs.

20 Another indicator that we use to
21 estimate demand is the presence of AA and NA
22 meetings. So we took a look at the NA -- AA and NA
23 meetings within five miles of Itasca, and we find
24 out that there are three sites in Itasca and 25

1 within five miles, an additional three just out
2 that.

3 If we could have the next page, it
4 will show, I believe a map of the locations of these
5 facilities.

6 So there's an indicator that in --
7 hyperlocally in Itasca and the adjacent suburbs that
8 there's a demand for this type of treatment and this
9 land use.

10 If we could have the next slide,
11 please.

12 So now we're going to take a look
13 at the 10-mile radius summary for inpatient
14 treatment beds.

15 So, again, what we're using with
16 this is the census data and a geographic information
17 system. So we use Census Block Group data from the
18 American Community Survey. We drew a 10-mile radius
19 and captured that population of -- and the adult
20 population, those 18 and over to be 902,000,
21 translates to over 74,000 who are in need of
22 treatment. And applying the other factors, there's
23 over 7,460 who are seeking inpatient treatment
24 annually which would translate to 621 beds.

1 Based on our inventory of
2 facilities within a 10-mile radius based on the
3 state SUPR list numbers and additional research into
4 the number of beds, we find that there's a total of
5 179 treatment beds, which results in about a 442-bed
6 deficit within a 10-mile radius of the subject
7 property.

8 If we could have the next slide,
9 please.

10 And here's a map that illustrates
11 that 10-mile radius. We chose a 10-mile radius to
12 study because as staff indicated that there were
13 some 40-odd facilities within that -- within that
14 radius. Our research discovered about 64 of them.
15 The difference being that the vast majority of them
16 are not inpatient facilities. They're either
17 facilities for, you know, DUI or other outpatient
18 facilities and clinics, whereas the type of facility
19 being proposed by Haymarket provides more of a
20 comprehensive care set. And we used, based on the
21 list provided by the state, comparable facilities;
22 so there's basically four of them for a total of 179
23 treatment beds and only eight recovery -- licensed
24 recovery home beds. And, again, these are licensed

1 facilities in the state of Illinois to service
2 adults 18 and over.

3 If we could have the next slide,
4 please.

5 So the 10-mile radius summary, if
6 we apply that to recovery home beds, the assumption
7 being that those who sought inpatient treatment
8 would also seek recovery home treatment, because the
9 same number would be seeking treatment in recovery
10 homes is 7,460. The difference is that there's a
11 longer stay. So the average three-month stay breaks
12 it down to one bed can serve four each year. So
13 that would be a requirement of over 1800 beds. And,
14 again, only eight beds, licensed recovery home beds
15 are found within a 10-mile radius. So there's a
16 very large deficit in terms of number of recovery
17 home beds.

18 You know, even if the assumption
19 that everyone who, you know, is in need of treatment
20 in inpatient facilities and seeks it, even if only
21 10 percent of those who sought treatment in
22 inpatient continued to seek treatment in recovery
23 homes, there's still a significant shortage of
24 recovery home beds, you know, within a 10-mile

1 radius of the subject property.

2 If we could have the next slide,
3 please.

4 So now we're going to move on to a
5 discussion of the planning context. In preparing
6 for this, we basically examined the village's
7 comprehensive plan that was approved in 2015. We
8 took a look at the various land use plans going down
9 from the general down to the specific.

10 We know that land use plans are
11 heavily influenced by the existing development,
12 especially in the case of a mature suburb that's
13 been primarily built out over a period of time.

14 The general land use plan shows the
15 subject property is neighborhood commercial.

16 If we could have the next slide.

17 So we can see on the exhibit from
18 the Itasca plan in 2015, the subject property is
19 colored the orange, neighborhood commercial, in sort
20 of the broad brush planning context.

21 If we could have the next slide,
22 please.

23 We zoom in to the business area
24 plan. Here we're taking a look at the -- the

1 Rohlwing CMD subarea. It seems to indicate that the
2 subject property is suitable for regional --
3 regional corridor commercial as opposed to the
4 neighborhood commercial that was on the prior -- the
5 prior slide.

6 If we could have the next slide,
7 please.

8 So it's no surprise because
9 basically if you look at the uses along Irving Park
10 Road between the expressway and the intersection
11 with Route 53, it is a mix of basically neighborhood
12 and regional uses. At the intersection it's
13 basically neighborhood commercial, smaller service
14 and restaurant and some retail, and some larger uses
15 that, you know, draw from a larger population,
16 exemplifying -- example being Diverzify Flooring,
17 the -- you know, maybe the post office and a couple
18 of other -- other -- the -- the industrial uses and
19 light manufacturing uses drawing from more of a
20 regional land use population.

21 So overall, though, the -- both of
22 those plans are consistent and it's a nonresidential
23 commercial use for the subject property.

24 If we could have the next slide,

1 please.

2 Finally we drill down to the CMD
3 subarea plan. The CMD subarea plan which gets more
4 specific about local commercial around the
5 intersection and regional commercial north along the
6 Route 53 corridor, it's basically mute on the
7 subject property.

8 So if we could have the next slide,
9 please.

10 So basically all of the
11 classifications generally talk about a commercial
12 use for the subject property. The fact of the
13 matter is while the site is large enough to support
14 a commercial use, it's not really well-suited for
15 those types of uses that are contemplated or wished
16 for.

17 The site does have good visibility
18 from the expressway, but it has very poor access
19 from the expressway. It's between a four-mile and a
20 four-and-a-half-mile trip to actually get to the
21 subject property once you passed it on the
22 expressway, whether you're, you know, coming from
23 the north or coming from the south.

24 There's a limited amount of traffic

1 on Irving Park Road. You know, based on the traffic
2 study, the levels of traffic that pass by the site,
3 which is one of the main determinants of, you know,
4 whether a user wants to locate at a particular
5 property, is below the levels even for something
6 like a Starbucks. There's no direct access from
7 Irving Park Road. You would have to enter off of --
8 I believe it's Maplewood and then into the subject
9 property. And there really is no opportunity for
10 access, direct access off Irving Park Road due to
11 the slope of the road as it approaches the overpass
12 for the expressway in the presence of the -- the
13 newly updated lift station towards the northeastern
14 portion of the property.

15 The other thing the site has going
16 against it is it really kind of has the wrong
17 geometric configuration. It's deep and narrow with
18 respect to the frontage on Irving Park Road. A
19 better orientation would be, you know, obviously if
20 you turned it 90 degrees, then you'd have, you know,
21 more of the frontage on the -- on Irving Park Road.

22 And in addition, in order to, you
23 know, facilitate that type of development, the
24 existing structure would have to be demolished at

1 a -- you know, at a cost adding to the issue with
2 the site.

3 So if we could have the next slide,
4 please. We're going to move on to the zoning
5 context.

6 So this is the zoning map from the
7 Village of Itasca. You can see the subject property
8 is zoned B-2. Nearby property is zoned B-2 and B-3,
9 sort of a mix of the commercial and the more
10 regional zoning classification for business uses.
11 The zoning pattern also, like the land use pattern
12 in the comprehensive plan, basically follows what
13 the existing uses are.

14 If we could have the next slide,
15 please.

16 So again, we talked about this a
17 little bit earlier, what the staff determination of
18 a special mixed-use planned development. And, you
19 know, we talked at length at the outset of the
20 presentation why that's kind of a square peg in a
21 round hole.

22 The special use, you know, is
23 appropriate in terms of the form of evaluation and,
24 you know, again, the planned development looks at

1 new developments, not adaptive reuse of an existing
2 structure.

3 This is a single building with no
4 subdivision. You typically don't find that type of
5 a development project being processed as a planned
6 development. There's no public dedication of land,
7 no roads, no open space. And, again, as we
8 explained earlier, this is a healthcare facility, a
9 unified use, not a mix of residential and
10 healthcare.

11 But nonetheless, if we evaluate it
12 with respect to the standards of the B-2, it meets
13 all of those standards except for the height and
14 setback, which are basically grandfathered in. We
15 know that the prior hotel use was approved and built
16 under a special use permit and with no expansion or
17 exterior changes that would trigger any issues from
18 a zoning perspective with leaving the existing
19 development in place.

20 We do realize that part of the
21 reason we're going through this process is also to
22 legitimize those sort of grandfathered
23 inconsistencies with the current zoning ordinance.

24 Next slide, please.

1 So now we're going to get to the
2 standards evaluation. We're going to walk through
3 the special use standards, the planned development
4 standards, and the standards for site plan review.

5 If we could have the next slide,
6 please.

7 So there are basically three
8 standards for special uses. The first is whether
9 it's deemed necessary for the public convenience in
10 the location.

11 So we know that substance use
12 disorders are definitely a significant threat to
13 public health, safety, and welfare. And we know
14 generally that both state and county facilities are
15 overwhelmed. We know that there's issues with
16 opioid-related deaths in DuPage County, and we know
17 that there's a local need that's evidenced by the AA
18 and NA meetings as well as just a statistical
19 population of Itasca being approximately 9,000, if
20 we applied those same factors that we did to the
21 state of Illinois, the county, and 10-mile radius,
22 that would translate, I believe, to about 595
23 individuals age 18 or over who would be in need of
24 substance use disorder treatment.

1 Again, the 10-mile radius analysis
2 also reveals a significant deficit both in terms of
3 inpatient and recovery home beds. So with respect
4 to the need for the particular use in this location,
5 based on that evidence, the standard is met.

6 Next slide, please.

7 So the next standard evaluates
8 whether it's designed, located, and proposed to be
9 operated such that health, safety, and welfare will
10 be protected.

11 Well, we know that the use is in a
12 commercially zoned and developed area. It's remote
13 and separated from any uses that could be seen as
14 incompatible, which would be the residential uses.

15 It won't generate excessive noise,
16 smoke, odor, or vibration. It doesn't present any
17 risk of fire, contamination, or explosion such that
18 it would have any land use effect on nearby
19 development. It won't create any traffic congestion
20 or any roadway safety issues, and there's adequate
21 parking facilities so that there wouldn't be any
22 impact -- off-site impacts.

23 Next slide, please. Back up one,
24 please. Thank you.

1 While we know the use will require
2 police, fire, and EMS service, the demand estimated
3 by the Polaris report will not require additional
4 manpower or equipment. You know, we rely on
5 Polaris's report for that; but we also paid
6 attention to prior testimony that even if there were
7 300 calls that were generated by this use, it
8 wouldn't merit any change in the equipment or
9 manpower for the -- to service the proposed
10 development.

11 We also know that Haymarket's an
12 experienced operator of substance use treatment
13 facilities, especially a large facility. We know
14 that from the experience with their facility in
15 downtown Chicago.

16 Again, I've worked on several
17 development projects there and -- from high-end
18 hotels, the Nobu Hotel to, you know, Google's
19 headquarters and several residential developments;
20 and none of the developers in the course of my
21 conversations with them or obtaining development
22 approvals really said anything about Haymarket and
23 it being any kind of an issue that would deter
24 development of very high-end product in very close

1 proximity.

2 We know that the existing hotel
3 structure layout and configuration is easily
4 converted to the proposed use. It'll comply with
5 all the state and local regulations.

6 So based on that, the standard
7 regarding how the proposed use is located and
8 operated to protect the health, safety, and welfare
9 is met.

10 Next slide, please.

11 So the third one has to do with
12 causing substantial injury to the value of property
13 in the neighborhood.

14 So there's really nothing from a
15 land use perspective that would cause issues. No
16 additional -- no significant impact from traffic,
17 odor, noise, vibration, any of those types of things
18 that are typically thought of that would cause an
19 issue with value. And the appraiser's report also
20 illustrates no negative impact.

21 So the last portion of it has to do
22 with the Commission, Board of Trustees going through
23 their administrative process.

24 So the adaptive reuse of the

1 structure complies with all the underlying zoning
2 except for height and side yard, which, again, are
3 nonconforming and allowed to continue.

4 If we could have the next slide,
5 please.

6 We're going to move on to the
7 planned development standards. So, you know, once
8 again, this is where we're going to find out that
9 we're really talking about a square peg and round
10 hole with respect to these. A lot of these
11 standards are inapplicable to the adaptive reuse of
12 an existing building; but where they are applicable,
13 we address all of them and where they are
14 applicable, they do meet the standards.

15 So if we could have the next slide,
16 please.

17 The five categories of standards,
18 there's the general standards for planned
19 developments; those that apply to residential
20 developments; those that apply to cluster
21 subdivisions, which is not applicable. This is not
22 a cluster subdivision. Those that apply to
23 businesses, and those that apply to the variations
24 of minimum requirements.

1 So if we could have the next slide,
2 please.

3 So the first standard addresses
4 whether any exceptions that are requested or
5 necessary, desirable, or appropriate to the purpose
6 of the development. Again, we're going to ignore
7 the fact that the height and west side setbacks are
8 grandfathered in and take a look at this analysis.

9 So the purpose of the facility is
10 to provide services for a segment of the population
11 suffering from disabilities due to substance use
12 disorder and addiction.

13 We know that the existing structure
14 is easily adaptable to that. It provides
15 significant efficiencies in terms of time and cost
16 compared to constructing a new facility on vacant
17 land.

18 If we could have the next slide,
19 please.

20 We know that without granting of
21 these exceptions, you would have to demolish
22 significant portions of the structure at
23 considerable expense. That would eliminate any
24 efficiencies or cost savings, and also make the

1 structure far less desirable in terms of capacity
2 and arrangement.

3 Both exemptions are grandfathered
4 existing conditions. They are necessary to support
5 the uses. Without them, the required demolition
6 would render the project infeasible. So that first
7 standard is -- is met.

8 Next slide, please.

9 The second standard addresses,
10 basically similar to the special use standards,
11 whether the permitted use are of a nature and
12 located so as to exercise any undue detrimental
13 influence or effect on the surrounding neighborhood.

14 We know that not-for-profit
15 healthcare adaptive reuse of a vacant commercial
16 structure is in a commercially zoned and developed
17 location, that it's compatible in terms of land use.
18 Its location is remote and separated from any uses
19 that could be seen as incompatible. And in general,
20 institutional uses are compatible with commercial
21 development. We see this land use pattern just
22 about everywhere.

23 If I could have the next slide,
24 please.

1 Again, the proposed use won't
2 generate any negative land use impacts; and
3 according to the study by the traffic consultants,
4 it won't create any significant traffic congestion
5 or any roadway safety issues, and there are adequate
6 parking facilities, so that's only on-site impact.
7 So based on that, the standard is met.

8 Next slide.

9 The third standard is inapplicable
10 to this. I believe it deals with industrial
11 development.

12 So here they're talking about a
13 standard that applies basically to mixed uses. They
14 want to make sure that each of the individual uses
15 complies with what the individual requirements would
16 be under the zoning ordinance for those.

17 The proposal does satisfy all of
18 those requirements, including residential density,
19 if we consider the 144 recovery home beds as a
20 lodging use; and parking for each of the individual
21 uses that are defined by staff, there's ample
22 parking to handle those individual uses if they were
23 to be interpreted separately. So this standard is
24 met.

1 Next slide, please.

2 Standard 5 is also inapplicable.

3 It was waived by the village.

4 So this standard evaluates the
5 attributes of multi-building developments where an
6 integrated site plan is desirable for both the
7 project and neighboring properties as it would be on
8 the same program on separate zoning lots. This is
9 not a multi-building development. It's an adaptive
10 reuse of an existing structure on a single lot; so
11 the applicability to this standard is minimal.

12 Next slide, please.

13 And the last one talks about
14 architectural consistency with respect to planned
15 developments. Again, this pertains to
16 multi-building developments where the consistency of
17 an architectural style from building to building is
18 generally desired. Again, this is not a
19 multi-building development. It's an adaptive reuse
20 of an existing structure; and as such, it isn't
21 really applicable.

22 So we'll move on to the next slide
23 and we start to talk about the standards for
24 residential developments. There are four of those.

1 The first one talks about the
2 residential density and having it be consistent what
3 the requirements are for the zoning ordinance. So
4 staff indicates that the 144 recovery homes are
5 similar to lodging rooms which require 800 square
6 foot of site area per unit, so to speak. Even if
7 you considered all of the treatment and recovery
8 homes together, that would be only 60 percent of the
9 maximum allowed; so it certainly satisfies any
10 interpretation of density on the site according to
11 staff interpretation.

12 Next slide, please.

13 So it also talks -- the residential
14 standards talk about when there's a mix of business
15 uses, if there's a business use. The staff
16 indicates that the outpatient services would be a
17 business use. The proposed outpatient business use
18 is indeed beneficial to the overall planned
19 development. It really is the point, and it
20 supports the healthcare purpose and it's not
21 injurious to neighboring properties, as we've found
22 in prior testimony.

23 Next slide, please.

24 The third area pertains to

1 situation -- or the third standard pertains to
2 situations where open space is dedicated for the
3 benefit of residential parts of multi-building
4 developments. That's not the case here, again,
5 adaptive reuse of a single structure; and this
6 standard doesn't really apply.

7 Next slide, please.

8 And the last standard, again,
9 pertains to multi-building developments where
10 spacing between buildings and driveways might be
11 reduced. The proposed development is an adaptive
12 reuse of a single vacant property, and these
13 standards are basically inapplicable.

14 Next slide, please.

15 The only part of this that might be
16 applicable or could be thought of as applicable has
17 to do with setbacks, the perimeter setback adjacent
18 to roads.

19 So all the setbacks except the west
20 setback comply. The west setback is 75 percent of
21 the required setback. It's certainly adequate to
22 protect neighboring properties, with the nearest
23 building being about 314 feet, about a football
24 field from the existing structure's west elevation.

1 Next slide, please.

2 Now we're going to walk through the
3 standards for businesses in planned development.

4 The first standard talks about
5 additional setback requirements. The buildings have
6 to be set back not less than 50 feet from
7 rights-of-way and lines bounding the site, and set
8 back 40 feet from any residentially zoned land.

9 So the existing building is set
10 back 284 feet from Irving and 78 feet from 290. On
11 the west there's an intervening parcel, so it's
12 really technically not adjacent to a roadway there;
13 and this standard is met.

14 Required off-street parking is
15 required to meet the standards of the zoning
16 ordinance. As we've already said, off-street
17 parking meets those standards. And as far as
18 screening from residentially zoned land, there's no
19 adjacent residentially zoned land.

20 Next slide, please.

21 The third standard talks about
22 walkways within the planned development. All the
23 existing walks within the subject property are paved
24 and they comply with village specification.

1 Fourth standard talks about
2 basically building coverage. Areas not covered by
3 building are landscaped in accordance with this
4 provision, so this provision is met.

5 Next slide, please.

6 The fifth standard talks about
7 floor area ratio. It's a measure of bulk or the
8 size of the development relative to the site. The
9 existing structure is at a .36 floor area ratio with
10 the maximum allowed, so it's a little over half. So
11 this standard is met.

12 And the sixth standard talks about
13 the planned development being designed as a unified
14 single project. Again, this is an adaptive reuse of
15 a single vacant commercial structure. It is a
16 definition of a unified single project.

17 Next slide, please.

18 So the last planned development
19 standard talks about the variation of minimum
20 requirements. It basically states whenever you plat
21 or deed open space separate from single-family or
22 multi-family districts used for parks and
23 playground, you can vary minimum standards; and
24 there's a list of what those standards are, A

1 through L.

2 There's no platting or deeding
3 restriction or covenant or any type of the condition
4 that's talked about under this standard, so it's
5 basically inapplicable.

6 Next slide, please.

7 Nonetheless, the only two
8 exceptions that would technically be thought about
9 would be those for building height and side yard,
10 which, again, are grandfathered; so this -- again,
11 applicability of this is limited.

12 Next.

13 So when it talks about businesses,
14 it talks about uses shall be as prescribed by the
15 Plan Commission. So the staff indicates the
16 outpatient proposal is a business use, which is
17 permitted as a special use in the B-2 district.

18 It states that all businesses
19 should be conducted and everything should be stored
20 within a completely enclosed building. That, again,
21 is the case with the subject property; so that
22 standard is met.

23 Next slide, please.

24 There's a requirement that not less

1 than 25 percent of the lot area should be covered by
2 buildings. The existing structure only covers
3 17 percent of the lot area, which is less than the
4 maximum; so that standard is met.

5 It also states that not less than
6 15 percent of the lot should be covered by
7 landscaping. Approximately 33 percent of the lot is
8 covered by landscaping, which exceeds the minimum
9 requirement. It meets that standard.

10 Next slide, please.

11 And it states that no building can
12 be more than 65 feet in height. The existing
13 structure is 51.6 feet, which is less than that
14 60-foot minimum; so that standard is met.

15 And it also talks about no dwelling
16 unit being permitted on the ground floor. The
17 definition of dwelling units does not fit the
18 proposed use. No dwelling units are proposed for
19 the development either on the ground or anywhere
20 throughout the building; so this standard is met.

21 Next side, please.

22 So, again, a redundant standard
23 talking about complying with off-street parking and
24 loading. According to the zoning ordinance as

1 indicated earlier, this standard is complied with.

2 Service and loading facilities also
3 meet ordinance standards; and therefore, the last
4 standard on this is met.

5 Next, please.

6 No building -- again, this is a
7 redundant standard, no building located closer than
8 50 feet to any right-of-way or 40 feet from
9 residentially zoned land; and we know that standard
10 is met.

11 And then finally, business
12 developments shall be screened by fencing along
13 boundaries of residential, open space, churches, and
14 other uses. None of those uses exist adjacent to
15 the subject property; so that standard, again, is
16 inapplicable.

17 Next slide, please.

18 The last two standards talk about
19 outside lighting and signs. We know that there's
20 no -- again, no nearby adjacent uses; and lighting,
21 of course, would be designed to ordinance standards.
22 An illumination plan has been provided to the
23 village and complies with standards. And the same
24 will be true with complying with signage ordinance

1 standards.

2 Next slide, please.

3 So having gone through the planned
4 development as well as the special use, the last
5 thing we have to go to is site plan approval.

6 So, again, a lot of this has to do
7 with multi development -- multi-building
8 developments and subdivision. Here, again, it's the
9 adaptive reuse of an existing structure with no
10 alterations and doesn't constitute new development,
11 redevelopment, or major alterations.

12 The existing site plan, in addition
13 to landscaping, will comply with the landscape
14 standards when they're applicable -- will comply
15 with the standards of the A through I of this
16 particular provision whenever they're applicable.

17 Next slide, please.

18 Coming down with conclusions, we
19 know that the -- we've indicated and provided
20 evidence and testimony that it complies with the
21 standards for special uses and planned developments.
22 It's compatible with the surrounding land use
23 pattern. It's removed and buffered from
24 single-family residential. It's compatible with the

1 general concept of the comprehensive plan relating
2 to the site and the Irving Park corridor. It serves
3 public need in its specific location. And while
4 some impact can be expected on public services, the
5 impact will not be significant and would not justify
6 discrimination against a protected class of disabled
7 citizens.

8 I believe that concludes my
9 presentation.

10 CHAIRMAN DALY: Thank you, Mr. Kisiel.

11 At this time, I would ask Attorneys
12 DiNolfo, Ellenbecker, and Smith who would like to
13 begin with their cross-examination at this time.

14 MR. ELLENBECKER: Mr. Chairman, I think we
15 drew straws, and I'm going to be first tonight.
16 This is Mr. Ellenbecker.

17 CHAIRMAN DALY: I invite you to proceed.

18 MR. ELLENBECKER: All right. Thank you.

19 CROSS-EXAMINATION

20 BY MR. ELLENBECKER:

21 Q. Good evening, Mr. Kisiel.

22 A. Good evening, Mr. Ellenbecker.

23 Q. On Slide 49 and at other times
24 throughout your presentation, you made reference to

1 staff.

2 When you make reference to staff in
3 your testimony and in your PowerPoint, who are you
4 referring to?

5 A. Village staff. Village of Itasca staff.

6 Q. And it says staff indicates that the 144
7 recovery home rooms are similar to lodging rooms.
8 That too is village staff?

9 A. Yes.

10 Q. Did you get any information from
11 Haymarket staff for any part of your report?

12 A. Information, well, it's probably limited
13 to conversations about the operating characteristics
14 of their facility, you know, helping to understand
15 the different levels of care and, you know, what
16 they entail in terms of sort of a typical life, so
17 to speak. Those types of -- that type of --

18 Q. Who from --

19 A. -- information I relied on Haymarket.

20 Q. Sorry about that.

21 Who from Haymarket have you spoken
22 with as it relates to preparing your report?

23 A. Well, I've spoken with, I believe, Karen
24 Kissel. I have had conversations with Dr. Lustig

1 also.

2 Q. And when were your most recent
3 conversations with either Ms. Kissel or Dr. Lustig?

4 A. Most recent would probably have been a
5 few days ago.

6 Q. And who did you speak with a few days
7 ago?

8 A. It was on a Zoom call with both
9 Ms. Kissel and Dr. Lustig.

10 Q. What was the topic or what topics were
11 addressed during that Zoom call?

12 A. Well, we were basically going over my
13 presentation.

14 Q. Were they providing feedback on your
15 presentation or information that you were going to
16 include in your presentation?

17 A. Just general feedback.

18 Q. You indicated at the very outset -- and
19 I guess we're going back an hour and a half or so
20 now -- that you are an architect; correct?

21 A. Correct.

22 Q. And you are a member of the American
23 Institute of Certified Planners; is that right?

24 A. That's correct.

1 Q. With regard to your membership in the
2 AICP, you would agree that you're not supposed to
3 accept work beyond your professional competence;
4 correct?

5 A. I suppose that's true, yes.

6 Q. And in the course of your report, you
7 covered some areas. You heard my objection earlier
8 about foundation. We'll get to that in a second.

9 But, for instance, in your report,
10 you wrote extensively on economic impacts; correct?

11 A. I wouldn't say extensively, but there's
12 a section in my report on economic impacts, yes.

13 Q. Are you an economist?

14 A. I'm not. I'm an urban planner. Urban
15 planners have training in municipal management. And
16 my experience in the design of new cities in the
17 Middle East also exposed me to other professionals
18 who perform these types of analyses. And I'm
19 familiar with it from a general perspective of an
20 urban planner who frequently is before local
21 municipal governments seeking to explain projects
22 and provide evidence why approval or disapproval is
23 appropriate.

24 Q. Have you ever been recognized as an

1 expert in economics by any court in the United
2 States?

3 A. No.

4 Q. Have you ever been recognized as an
5 expert in market analysis by any court in the United
6 States?

7 A. No.

8 Q. Other areas you addressed in your report
9 included impact on schools, police, fire, and EMS;
10 correct?

11 A. That's correct.

12 Q. You're not an expert on school funding,
13 are you?

14 A. No, I'm not.

15 Q. Are you an expert on fire, EMS, or
16 police services?

17 A. No, but I am certainly competent to rely
18 on the reports of others who are experts in those
19 particular fields.

20 Q. And in that regard, with regard to
21 impact on fire, EMS, and police, you relied -- did
22 you rely exclusively on the Polaris report?

23 A. That was a primary source. You know, I
24 do have experience in impact -- economic impact

1 reports in other projects that I've worked on. I've
2 looked at those types of reports. I'm familiar with
3 sort of the way those analyses are done. And I'm
4 familiar with, you know, what the generation
5 characteristics are for other uses such as
6 continuing care retirement communities, senior
7 housing, conventional housing, et cetera.

8 Q. Would you agree that you're not an
9 expert in the medical or law enforcement needs that
10 might arise out of a large substance use treatment
11 facility?

12 A. I'm sorry, could you repeat the
13 question?

14 Q. Yeah. Would you agree that you're not
15 an expert in the area of what police, fire, or EMS
16 needs or emergencies may arise out of a substance
17 use treatment facility?

18 A. I would agree.

19 Q. A little bit further into your report,
20 you talked about -- you have a section on need. I
21 believe it's Section 5.

22 A. Yes.

23 Q. All right. And in your PowerPoint that
24 we looked at before, I think you have about 15

1 slides in the area of need. Does that sound about
2 right?

3 A. Correct.

4 Q. You would agree you're not a
5 statistician; correct?

6 A. I would agree I'm not a statistician
7 exclusively or by trade; however, urban planners use
8 statistics on a regular basis in performing
9 analyses. I have had classes in the course of my
10 education in statistics and statistical analysis. I
11 have enough of an understanding of statistics to
12 perform a wide range of analyses, including the
13 analysis for need based on statistics by a reputable
14 government organization that publishes those
15 statistics for use.

16 Q. Okay. Have you ever been recognized as
17 an expert in the area of statistics by any court in
18 the United States?

19 A. No.

20 Q. Would you agree you're not a public
21 health expert?

22 A. Yes.

23 Q. Would you agree you're not an expert on
24 substance use disorder treatment centers?

1 A. Well, in the course of -- as far as an
2 expert goes, I don't know -- I'll just answer no.

3 Q. Are you an expert in rehabilitation of
4 substance use disorders?

5 A. No.

6 Q. Are you an expert in the operations of a
7 substance use disorder treatment center?

8 A. No, but I'm certainly qualified to rely
9 on the input of those who are.

10 Q. Are you aware -- well, we all are,
11 aren't we? I mean, if somebody else is an expert,
12 can't we all rely on somebody else's work?

13 A. I suppose that would be the case.

14 Q. Are you an expert in evidence-based
15 rehabilitation treatment methods?

16 A. No.

17 Q. You also have a short section on
18 traffic. You relied on a traffic report done by
19 KLOA; correct?

20 A. That's correct.

21 Q. All right. Do you have a copy of your
22 report in front of you, by chance?

23 A. I do.

24 Q. I'm just saying it might be easier than

1 for us to pull it up every time on the screen,
2 but --

3 A. Sure.

4 Q. You indicate on page 2 of your report
5 that the subject property where the Haymarket --
6 proposed Haymarket DuPage would go is zoned
7 currently B-2 Community Business District; correct?

8 A. Correct.

9 Q. And you would agree that with regard to
10 B-2 or neighborhood commercial areas, they're
11 intended to conveniently provide daily goods and
12 services to local residential neighborhoods?

13 A. I believe that is contained in the
14 zoning ordinance, yes.

15 Q. Do you have -- is it your position that
16 a 240-bed rehabilitation center or substance use
17 disorder treatment center is intended to
18 conveniently provide daily goods and services to
19 local residential neighborhoods?

20 A. Services, yes.

21 Q. Have you done any sort of study to
22 determine how many or what percentage of local
23 Itasca residential neighborhoods would be serviced
24 by this facility on an annual basis?

1 A. I'm sorry, could you --

2 Q. Yeah. A lot of -- I'll set it up with
3 this question.

4 A lot of your statistics talk about
5 Itasca and the adjacent areas. For instance, you
6 talk about a population of 180,000.

7 180,000 isn't Itasca; correct?

8 A. Correct.

9 Q. So did you do any sort of analysis to
10 determine specifically for Itasca what percentage or
11 what volume of Itasca residential neighborhoods or
12 people in those neighborhoods would receive services
13 at a facility like Haymarket?

14 A. Just based on the same factors that were
15 applied to both state of Illinois, DuPage County, as
16 well as a 10-mile radius, you could apply those same
17 factors to the population of Itasca; and you come up
18 with a number, I believe, that's close to 600.

19 Q. Right. And I'm talking about something
20 other than extrapolation. We can all take a
21 national survey, take percentages and extrapolate it
22 out to any population you want.

23 I'm asking did you do a specific
24 study as it relates specifically to Itasca, aside

1 from your extrapolation, to determine what
2 percentage or what volume of residents of Itasca
3 would be serviced at this facility?

4 A. No.

5 Q. On page -- well, is the proposed
6 facility established to promote a harmonious,
7 efficient, and convenient retail shopping
8 environment?

9 A. It's not detrimental to that.

10 Q. That's not what I asked.

11 Is it established to promote a
12 harmonious, efficient, and convenient retail
13 shopping environment?

14 A. Well, one thing that's true about the
15 proposed facility is it will have an employee
16 population. That employee population will likely
17 avail itself of nearby goods and services. So with
18 respect to that, the population on the site,
19 particularly the employee population, will further
20 that goal.

21 Q. And for that last bit of testimony, are
22 you relying on the Gruen + Associates report?

23 A. I'm relying on the -- the Gruen +
24 Associates report and the information provided with

1 respect to the number of employees on-site.

2 Q. You haven't done any independent study
3 to determine what percentage or what type of
4 purchases, if any, Haymarket DuPage employees would
5 be making in the village, did you?

6 A. No.

7 Q. If you turn to page 8 of your report,
8 and specifically on the right-hand column, there's a
9 paragraph that starts with "The applicant
10 anticipates." Do you see that?

11 A. Yes.

12 Q. Okay. Toward the bottom of that, you
13 say: Haymarket has contracted with a private
14 ambulance service to provide EMS support for basic
15 life support calls. Do you see that?

16 A. Yes.

17 Q. Is it your understanding based on what
18 you've written here that Haymarket will rely on the
19 Itasca Fire Protection District to provide advanced
20 lifesaving support?

21 A. Yes.

22 Q. Do you know as part of your, I guess,
23 neighborhood analysis, whether you're going out 10
24 miles or otherwise, were you able to determine where

1 the nearest DuPage County hospital is to the
2 proposed facility?

3 A. Yes.

4 Q. Okay. Where is the nearest DuPage
5 County hospital?

6 A. I believe it's Alexian Brothers about
7 two, two and a half miles away.

8 Q. That's a Cook County hospital. I'm
9 asking do you know where the nearest DuPage County
10 hospital is located?

11 A. I didn't look at that. I just looked at
12 the nearest hospital.

13 Q. Based on your population analysis, did
14 you make any assessment or look at any data that
15 indicated -- indicates where the largest population
16 concentrations are in DuPage County?

17 A. I did not.

18 Q. Do you know based on prior experience in
19 projects where the largest population concentration
20 is in DuPage County?

21 A. My guess would be Naperville.

22 Q. Now, if you turn to page 12 of your
23 report. Are you at 12?

24 A. Yes, I am.

1 MR. ELLENBECKER: Okay. And page 12 -- Mo,
2 are you able to pull up page 12 of Mr. Kisiel's
3 report?

4 MR. KHAN: Yeah. Yeah.

5 MR. ELLENBECKER: That would be great. Thank
6 you.

7 BY MR. ELLENBECKER:

8 Q. As he's doing that, Mr. Kisiel, do you
9 know based on your discussions with Haymarket staff
10 and your research on needs and rehabilitation, do
11 you know what a trigger is in the context of
12 addictive or substance abuse treatment?

13 A. I do.

14 Q. Would you agree that alcohol,
15 gambling -- and gambling can be triggers?

16 A. Yes.

17 Q. Did any part of your analysis look at
18 the area surrounding Haymarket to determine whether
19 there was a concentration of potential triggers in
20 the immediate vicinity of the proposed Haymarket
21 DuPage?

22 A. I certainly noticed that there were
23 several -- several uses, particularly gaming sites,
24 liquor store, et cetera.

1 The fact of the matter is, though,
2 part of -- based on conversations with Dr. Lustig,
3 you know, part of rehabilitation is being able to
4 deal with proximity to triggers. It's part of
5 everyday life just moving around society; and in
6 order for recovery to happen, people suffering
7 substance use disorder need to be able to deal with
8 proximity to triggers.

9 Q. In your conversation with Mr. -- or
10 Dr. Lustig, did he advise you that he was an
11 outspoken opponent or critic of a marijuana
12 dispensary that was going to be located near
13 Haymarket West Loop?

14 A. Yes.

15 Q. And did he tell you that the reason he
16 was opposed to it is because it's a potential
17 trigger for people in therapy?

18 A. Yes.

19 Q. As the crow flies, how close is the
20 nearest trigger to -- or potential trigger to
21 Haymarket DuPage patients?

22 A. It would be in the vicinity of
23 1200 feet.

24 Q. And that would be the video gambling

1 right across the street -- correct? -- or just
2 kitty-corner?

3 A. When you say kitty-corner, from?

4 Q. Well, if we go from --

5 A. Are you talking about the intersection
6 of Irving and Route 53?

7 Q. Yeah. I kind of stretched kitty-corner
8 a bit. Let me ask the question a little bit better.

9 You would agree that there are
10 three video gaming facilities at the corner of
11 Rohlwing and Irving Park?

12 A. Yes.

13 Q. All right. And there's a liquor store
14 at Rohlwing and Irving Park; correct?

15 A. Yes.

16 Q. And do the two gas stations on Rohlwing
17 and Irving Park also sell alcohol?

18 A. I don't know that.

19 Q. Are there restaurants in and around the
20 Rohlwing-Irving Park intersection that sell alcohol?

21 A. Yes.

22 Q. If you turn to page 14 of your report.

23 Would you agree that based on your
24 research that there is no public transportation from

1 Itasca, specifically the proposed Haymarket DuPage,
2 to DuPage -- everything south of Itasca in DuPage
3 County?

4 A. Sorry. I'm just getting to page 14.

5 Q. That's fine. I'll re-ask the question.

6 A. Thank you.

7 Q. Are you there?

8 A. Yes, I'm there.

9 Q. Would you agree that there's no public
10 transportation that would connect someone from
11 Haymarket DuPage to everything south of Haymarket
12 DuPage in DuPage County?

13 A. So you're asking me whether there's a
14 public transit connection to south of DuPage County
15 from the subject property? Is that the --

16 Q. Yeah. That's the gist of the question,
17 yes.

18 A. Okay. Not directly, no.

19 Q. Well, indirectly. How would, say,
20 someone who relies on public transportation get from
21 the proposed Haymarket DuPage to Naperville?

22 A. It would be a circuitous route from the
23 train station at Itasca downtown and then back out
24 on Metra.

1 Q. I noticed in your report on page 14,
2 specifically in that first paragraph on the left, it
3 says the Number 616 Pace Bus route connects Spring
4 Lake Business Park with Rosemont Transportation
5 Center.

6 Have you done or have you heard
7 recently that the 616 isn't running?

8 A. Yes, I've heard that.

9 Q. Do you know when the 616 is planned to
10 be up and running again, if at all?

11 A. I don't. But I'm certain that the
12 stopping or the curtailing of the running of the 616
13 Pace Bus has to do with reduced ridership that's due
14 to COVID.

15 In the context of a land use
16 analysis that looks at broader -- a broader time
17 frame, that has to be thought of as a temporary
18 condition; and as soon as demand rises such that the
19 Pace Bus can operate economically and efficiently
20 according to Pace's standards, I'd be confident that
21 that would be reinstated.

22 Q. You would agree that the 616 doesn't
23 service DuPage County, though; correct? It goes
24 north to Cook County?

1 A. It does that, yes.

2 Q. You indicate on the second column on
3 page 14 under Land Use, Section 4 --

4 Mo, if you could just scroll down.
5 Yep, right here. Thank you.

6 (Continuing.) -- the last sentence
7 says: The proposed facility sits in a decidedly
8 commercial area and is sufficiently remote from
9 residential uses so as to have no impact on those
10 more sensitive uses. Correct?

11 A. Correct.

12 Q. What is "sufficiently remote"?

13 So clearly you had some standard or
14 some distance in mind. So what based on your
15 research is a sufficiently remote distance from the
16 proposed use to the sensitive residential uses?

17 A. Well, that is going to vary depending on
18 various land use context issues. In this case, we
19 have a 10-lane highway that separates the subject
20 property from residential uses. The proximity to
21 the highway has far more negative land use impacts
22 than the proposed use and also buffers the proposed
23 use from residential development both in terms of
24 distance and in terms of things such as vegetation,

1 screen walls, et cetera, physical barriers.

2 Q. Is there a sidewalk over the 10-lane
3 highway you referenced?

4 A. There is.

5 Q. So the 10 lanes, you can get from the
6 proposed facility to downtown Itasca and the nearest
7 residential area, as you said, which was, I think,
8 714 feet as the crow flies, by taking that sidewalk;
9 right? You don't have to play Frogger to cross --

10 A. The act of a pedestrian walking from the
11 proposed facility along the sidewalk isn't land use
12 impact.

13 Q. You indicate -- if you turn to page 15,
14 you indicate on the second -- top of the second
15 column "It should be noted that no sidewalks are
16 present on either side of Rohlwing Road south of the
17 commercial properties at the southwest corner of
18 Rohlwing Road and Irving Park Road"; correct?

19 A. Yes.

20 Q. Would you agree that this facility with
21 regard to traveling south, i.e., south into DuPage
22 County, is not conducive to bike and pedestrian
23 traffic?

24 A. Well, there are no bike lanes or

1 pedestrian paths; so that's an issue with respect to
2 those, yes.

3 Q. Okay. And if there are 144 people in
4 the proposed facility's recovery homes and we were
5 earlier told that only 10 percent of those can have
6 cars, you would agree that with regard to other
7 people in the recovery home going to job interviews,
8 errands, and otherwise, there could be considerable
9 bike and pedestrian traffic; correct?

10 A. I wouldn't say that. You know, we're in
11 a suburban environment here. Basically people
12 travel by automobile, especially if they're
13 traveling any -- any appreciable distance. Other
14 modes of transportation, particularly automobiles,
15 would typically be used for those activities.

16 Haymarket also provides some degree
17 of transportation by van to get people to
18 appointments and for other reasons for them to move
19 from point A to point B.

20 Q. Have you seen the policies or procedures
21 with regard to Haymarket's errand service or
22 transportation service?

23 A. Not specifically, no.

24 Q. Do you know what the employment

1 expectations would be of people in the recovery
2 homes?

3 A. Not specifically, no.

4 Q. Farther down on that same column on
5 page 15 -- well, we already talked about patronizing
6 the restaurants and businesses.

7 It says at the bottom "The site
8 will be used in generally the same fashion with a
9 24-hour managed, secure operation and similar peak
10 traffic activity period during the morning rush
11 hour."

12 In that sentence, are you saying
13 that a 240-bed substance use treatment center is
14 generally the same fashion with the preexisting
15 Holiday Inn?

16 A. I'm sorry, could you repeat that
17 question?

18 Q. Yeah. With that last sentence on
19 page 15, are you essentially saying that the
20 previously existing Holiday Inn is generally the
21 same fashion or type of facility as a 240-bed
22 substance use treatment center?

23 A. It states that it will be used in the
24 same fashion.

1 Q. What does that mean?

2 A. That relates to basically the population
3 coming and going to the site.

4 Q. So with that statement, did you look at
5 prior occupancy levels of the Holiday Inn?

6 A. I'm familiar with them, yes.

7 Q. On the next page, where you were talking
8 about economic impacts or started talking about
9 economic impacts, you indicate on the bottom of the
10 first paragraph the subject property generated
11 \$178,780 in property taxes in 2018; correct?

12 A. Correct.

13 Q. Did you analyze the property tax issue
14 incrementally or as a one-time annual contribution
15 to the tax base?

16 A. When you say "incrementally," what do
17 you mean by that?

18 Q. Well, did you analyze the -- basically
19 the extended impact of diminished or nonexistent tax
20 revenue from the subject property, or did you just
21 look at it for a one-year period?

22 A. I looked at it from the most recent
23 year, the one-year period, yes.

24 Q. And with regard to the facility as it

1 was used as a hotel, was property tax the only
2 revenue that was generated from that property?

3 A. No, not according to the Gruen report.

4 Q. Okay. What were the other types of
5 revenues generated from the facility operated as a
6 hotel?

7 A. Well, there's, of course, a hotel tax.
8 There's a gaming tax. There's a very minimal sales
9 tax numbers. Might be missing something here, but
10 it's in the report.

11 Food, beverage, video, gaming, and
12 sales tax impact and the hotel tax impact.

13 Q. Okay. So in addition to the 178,000,
14 there would be some additional tax revenue that was
15 coming from the previously existing business?

16 A. That is correct.

17 Q. Okay. I jumped up to page 18.

18 And in the first full paragraph of
19 page 18 on the left-hand column, the sentence or the
20 paragraph starts with "Finally." And you have in
21 here "the applicant has purchased the property, and
22 as a not-for-profit entity would not pay property
23 taxes whether they pursued the proposed development
24 or not."

1 Do you see that?

2 A. I do.

3 Q. Currently, so as of February of 2021,
4 you would agree that Haymarket, despite the fact
5 that it owns 860 West Irving Park Road, is still
6 paying taxes; correct?

7 A. That's correct.

8 Q. And it's only if the special use permit
9 is approved did Dr. Lustig say that they would
10 reapply for tax-exempt status; correct?

11 A. I'm not familiar with his statement to
12 that regard.

13 Q. Well, are you aware that Haymarket
14 applied for tax-exempt status on this property since
15 its purchase?

16 A. I don't have specific knowledge of that.

17 Q. So you don't know that they were
18 declined tax-exempt status at this time?

19 A. I do not.

20 Q. And did you know in your conversation
21 with Dr. Lustig that he plans on reapplying for
22 tax-exempt status on behalf of Haymarket?

23 A. I know that Haymarket plans on applying
24 for tax-exempt status, yes.

1 Q. So it does matter whether they pursue
2 the proposed development; right? Because now they
3 are paying taxes; if they get it, they'll apply and
4 hopefully not have to pay taxes?

5 A. I don't know that the application for
6 exempt tax status is tied to an approval of a
7 particular use.

8 Q. Okay. Let's go forward to page 20.

9 And on page 20 over on the
10 right-hand column, you say "The proposed
11 not-for-profit healthcare facility provides a much
12 needed service that is not considered on a municipal
13 scale."

14 I want to first stop at healthcare
15 facility. Do you know if the current Haymarket West
16 Loop is accredited by the JCAHO?

17 A. I don't know.

18 Q. Do you know if the current Haymarket
19 Center West Loop is accredited by any non- -- or any
20 agency that's not affiliated with substance abuse
21 treatment?

22 A. I don't.

23 Q. And you indicate that healthcare service
24 provision is considered at a county and statewide

1 level in terms of planning for facilities; right?

2 A. That's correct.

3 Q. Are you aware of any plan, comprehensive
4 plan, report, analysis, or anything else by DuPage
5 County that indicated that Itasca was an essential
6 location for a substance use treatment center?

7 A. No.

8 Q. Are you aware of the state making any
9 such finding?

10 A. No. The fact of the matter, though, is
11 that the legitimacy or the establishment of
12 substance use disorder treatment is basically in its
13 infancy. For a very long period of time, it was
14 treated as a social issue, not a health issue. And
15 it's just now that, you know, it's being recognized
16 as a health issue. So there's no surprise that any
17 countywide or statewide planning -- it's no surprise
18 that any planning has not been done.

19 Q. Well, did you read or hear about the
20 testimony of Dr. Dan Sullivan who was put up by
21 Haymarket who said he was part of an action plan or
22 task force, I think it was, up to, like, three or
23 four years ago?

24 A. No. I'm not familiar with that

1 testimony.

2 Q. Were you made aware of or did you come
3 across a study of DuPage County residents that said
4 they saw -- in terms of needs for substance abuse,
5 they saw a need for a facility in Wheaton?

6 A. No.

7 Q. Farther down on page 20, and
8 specifically it's the last part of your last
9 sentence, and you put it up on one of your slides,
10 but -- you're not a judge or a lawyer; correct?

11 A. Correct.

12 Q. You would agree that whether something
13 rises to -- you're not here -- or you don't possess
14 any expertise to determine on what basis or grounds
15 somebody would be making decisions in this matter,
16 are you?

17 A. I'm sorry, could you restate that
18 question?

19 Q. Yeah. You don't possess any specific
20 expertise that would allow you to make any
21 determinations about why any people or entities or
22 committees would be making any decisions in this
23 case, are you?

24 A. No.

1 MR. ELLENBECKER: All right. Let's go to
2 the -- now, Mr. Chairman, I'm about ready to jump
3 into another section that's probably going to take a
4 fair amount of time. I can -- I can dive in if you
5 want me to, or we can stop for the night. I'll
6 leave that up to you.

7 CHAIRMAN DALY: I'm glad you brought that up
8 because I was just thinking the same thing,
9 Mr. Ellenbecker. I didn't know how much longer you
10 plan to continue cross, and that's, of course, up to
11 you.

12 But given the time is almost 10 to
13 10:00, I would ask the Plan Commission -- I'm of the
14 mind to end the meeting tonight here and continue to
15 next week, if that's fine with the rest of the
16 Commission.

17 COMMISSIONER RAY: Yep.

18 COMMISSIONER HOLMES: That's fine with me.

19 COMMISSIONER RUSSO: I'm fine with that too,
20 Brendan.

21 CHAIRMAN DALY: Okay. All right. Given the
22 nonofficial nature of that request to the Plan
23 Commission, I would ask that we continue the meeting
24 to next week where Mr. Ellenbecker can continue his

1 cross-examination of Mr. Kisiel.

2 With that, I would ask for a motion
3 to continue to next Wednesday, the 10th of February.

4 COMMISSIONER HOLMES: So moved. Commissioner
5 Holmes.

6 COMMISSIONER RAY: Second. Ray.

7 CHAIRMAN DALY: Mo, as the recording
8 secretary, would you please call the vote.

9 MR. KHAN: Commissioner Russo.

10 COMMISSIONER RUSSO: For.

11 MR. KHAN: Commissioner Holmes.

12 COMMISSIONER HOLMES: For.

13 MR. KHAN: Commissioner Carello.

14 COMMISSIONER CARELLO: For.

15 MR. KHAN: Commissioner Drummond.

16 COMMISSIONER DRUMMOND: For.

17 MR. KHAN: Commissioner Ray.

18 COMMISSIONER RAY: For.

19 MR. KHAN: The motion passes.

20 CHAIRMAN DALY: Okay. The motion passes.

21 This hearing will be continued to next Wednesday,
22 February 10th, beginning at 7:00 o'clock.

23 Can I please have a motion to
24 adjourn.

1 COMMISSIONER HOLMES: So moved.

2 COMMISSIONER RAY: I'll second. Ray.

3 CHAIRMAN DALY: Mo, would you please call the
4 vote.

5 MR. KHAN: Commissioner Russo.

6 COMMISSIONER RUSSO: For.

7 MR. KHAN: Commissioner Holmes.

8 COMMISSIONER HOLMES: For.

9 MR. KHAN: Commissioner Carello.

10 COMMISSIONER CARELLO: For.

11 MR. KHAN: Commissioner Drummond.

12 COMMISSIONER DRUMMOND: For.

13 MR. KHAN: Commissioner Ray.

14 COMMISSIONER RAY: For.

15 CHAIRMAN DALY: The motion carries.

16 I thank everyone for their
17 attention and participation this evening, and we
18 will reconvene a week from now. Thank you.

19 * * * * *

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF K A N E)

3 I, Amy K. Bateman, CSR No. 84-003803, RPR,
4 CRR, CRC, do hereby certify that I reported in
5 shorthand the proceedings had at the hearing of the
6 above-entitled cause and that the foregoing Report
7 of Proceedings, pages 1 through 135, inclusive, is a
8 true, correct, and complete transcript of my
9 shorthand notes taken at the time and place
10 aforesaid.

11 I further certify that I am not counsel for
12 nor in any way related to any of the parties to this
13 suit, nor am I in any way, directly or indirectly
14 interested in the outcome thereof.

15 This certification applies only to those
16 transcripts, original and copies, produced under my
17 direction and control; and I assume no
18 responsibility for the accuracy of any copies which
19 are not so produced.

20 IN WITNESS WHEREOF I have hereunto set my
21 hand this 11th day of February, 2021.

22
23 

24 _____
Certified Shorthand Reporter

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