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JEFFERY J. PRUYN

**VILLAGE CLERK**

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**VILLAGE ADMINISTRATOR**

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**VILLAGE TRUSTEES**

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PATRICK POWERS

## Special Committee of the Whole Meeting Agenda

### October 12, 2021

Meeting will be live streamed online at: <https://youtu.be/9dKPF9uBO0g>

Questions regarding meeting participation should be directed to the Deputy Clerk at [deputyclerk@itasca.com](mailto:deputyclerk@itasca.com) or (630) 228-5623.

1. Call to Order; Roll Call
2. Pledge of Allegiance
3. Audience Participation (unrelated to items on the agenda)
4. Community Development Committee  
*Chair Trustee Gavanes; Co-Chair Trustee Leahy*
  - a) Public Comment regarding Request for a Planned Development by Special Use with exceptions and a Class I Site Plan to allow a mixed-use residential and healthcare facility and other accessory uses in the B-2 Community Business District for Haymarket DuPage, LLC – 860 W. Irving Park Rd (PC 19-014)
    - i. *Special Note:* Those who wish to provide public comment, must be registered by 7:00 p.m. on October 12, 2021. Registration can be completed online [here](#) until 12:00 p.m. on October 12<sup>th</sup>. After 12:00 p.m., registration will only be available onsite at Village Hall during normal business hours or 30 minutes prior to the meeting.
5. Adjournment



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## **MEMORANDUM**

**TO:** Village Board

**FROM:** Carie Anne Ergo, Village Administrator

**DATE:** October 8, 2021

**SUBJECT:** Request for a Planned Development by Special Use with exceptions and a Class I Site Plan to allow a mixed-use residential and healthcare facility and other accessory uses in the B-2 Community Business District for Haymarket DuPage, LLC – 860 W. Irving Park Rd (PC 19-014)

### **Introduction**

Haymarket DuPage, LLC (Petitioner) is requesting the following:

1. Planned development by special use in accordance with § 14.12 of the Zoning Ordinance to operate a mixed-use residential and healthcare facility and other accessory uses in the B-2 Community Business District at 860 W. Irving Park Road.
  - a. Exception for front yard building setback from § 8.04(6) of the Zoning Ordinance (existing condition)
  - b. Exception for building height from § 8.04 of the Zoning Ordinance (existing condition)
2. Approval of a Class I Site Plan Review in accordance with § 14.13 of the Zoning Ordinance

### **Discussion**

Haymarket DuPage, a not-for-profit organization, is proposing to renovate a 52,262 square foot vacant building (former Holiday Inn) at 860 W. Irving Park Road. Haymarket proposes to operate and maintain the existing building and facilities without new site development, other than interior renovation, enhanced landscaping, and a fenced patio. Haymarket plans on providing diagnosis, treatment, and recovery support for persons disabled by substance abuse and behavioral health disorders. Services will include inpatient, outpatient, and recovery programming. The facility will hold a maximum of 240 inpatient/recovery beds (144 “recovery home” beds and 96 treatment beds). Haymarket seeks to address the public need in DuPage County and other collar counties for substance abuse treatment.

### **Plan Commission Recommendation**

The Plan Commission held a public hearing on this matter, which was continued several times from October 16, 2019, to September 22, 2021, including several delays due to COVID19 and litigation filed by Haymarket. Haymarket presented numerous witnesses and experts in support of their petition. The Itasca Fire Protection District, Itasca School District 10, and nearby property owners recognized as interested parties by the Commission, objected to the petition and presented evidence and witnesses as well. There were numerous public comments submitted in writing and orally at the hearing. All transcripts of the testimony heard by the Plan Commission and the documentary evidence submitted by the parties are available on the Village’s website, <http://www.itasca.com/1953/Holiday-Inn---Haymarket-Center-Proposal>.

The Plan Commission recommended denial of the petition (PC 19-014) by a vote of 6-0. The Plan Commission found that the Petitioner did not carry its burden under the Zoning Ordinance, § 14.12 and § 14.13, and did not meet all the findings of fact necessary to grant approval of the petition. The Commissioners generally found that the facility size posed an unreasonable burden to local government bodies and the resources in the community.

Additionally, the Plan Commission considered whether the petition should be nevertheless approved as a reasonable accommodation under the Fair Housing Act and Americans with Disability Act. The Commission found that the fiscal costs associated with the proposal, specifically those related to emergency services, the Itasca Fire Protection District, and Itasca School District 10, were an unreasonable burden to these government bodies and denied the accommodation request.

### **Staff Recommendation**

Staff recommends the item be forwarded to the Committee of the Whole on October 12, 2021, for consideration with the following recommended conditions of approval:

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

### **After Action Steps**

If the Planned Development by Special Use Amendment with certain Zoning Exception and Class I Site Plan are approved by the Village Board, the Petitioner will need to submit Building Permit Applications and associated construction plans for review by the Village's Community Development staff, Engineering staff, and the Itasca Fire Protection District staff. Approval after the Plan Commission's recommendation of denial requires a favorable vote of 2/3 of the Trustees then holding office pursuant to 65 ILCS 5/11-13-1.1 and § 14.11(9)(b) of the Zoning Ordinance.

### **Attachments**

All materials related to the petition, hearings, and the Plan Commission's recommendation can be found at <http://www.itasca.com/1953/Holiday-Inn---Haymarket-Center-Proposal>.