



**Village of Itasca**  
**Community Development Department**

550 WEST IRVING PARK RD. ITASCA, IL 60143  
PHONE: 630/773-5568 FAX: 630/773-0852  
e-mail: smalikjarmusz@itasca.com  
www.itasca.com

**MEMORANDUM**

**TO:** President Jeff Pruyn  
Village Board of Trustees

**RE:** PC 19-014  
Haymarket DuPage, LLC  
860 W. Irving Park Rd.  
Appeal Request

**FROM:** Shannon Malik Jarmusz, AICP  
CD Director/ Zoning  
Administrator

**COTW:** September 3, 2019

**CC:**

**ENCL:** Plan Commission cover memo, staff  
report, and petitioner appeal

**Background**

Acting in its compacity as a combined Zoning Board of Appeals and Plan Commission pursuant to Section 14.07(4) of the Zoning Ordinance, on August 21, 2019, the Plan Commission conducted an appeal hearing in response to Haymarket DuPage, LLC's request for consideration of appeals from the Zoning Administrator's decisions related to the following:

Appeal Issue 1- Decision dated July 16, 2019 rejecting Petitioner's special use application for healthcare facility;

Appeal Issue 2- Decision dated July 24, 2019 that Plan Commission will not allow concurrent processing of Petitioner's two special use applications, one for special use for a healthcare facility and one for a planned development;

Appeal Issue 3- Decision dated May 9, 2019 that an application for special use for planned development is required; and

Appeal Issue 4- Decision dated June 25, 2019 to deny Petitioner's requested exemptions from certain Planned Development requirements.

Attached, you will find Haymarket's appeal request in full along with the Zoning Administrator's response.

**PLAN COMMISSION RECOMMENDATION**

At the August 21, 2019 appeal hearing, after arguments from the petitioner and Zoning Administrator were heard, the Plan Commission recommended denial of all four of the petitioner's requests for appeal by a vote of 6-0, unilaterally affirming the appropriateness of the Zoning Administrator's actions.

## **NEXT STEPS**

Under Section 14.08(4) of the Zoning Ordinance, the Village Board is required to take final action to grant or deny the petitioner's appeals following review of the petitioner's appeal and Zoning Administrator's response, as well as the materials from the Plan Commission meeting.



Village of Itasca  
Community Development Department  
Plan Commission  
Agenda Item

APPEAL HEARING

August 21, 2019

PC 19-014

**TITLE: Village Zoning Administrator's Response to Petitioner Haymarket DuPage, LLC's Appeal regarding 860 W. Irving Park Rd.**

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Haymarket DuPage LLC (Haymarket) is appealing the decisions of the Zoning Administrator (Community Development Director) Shannon Malik Jarmusz under the Zoning Ordinance. In response, the Zoning Administrator states the following:

**I. HAYMARKET'S PROPOSAL IS APPROPRIATELY GOVERNED BY THE PLANNED DEVELOPMENT SECTION OF THE ZONING ORDINANCE.**

- A. Haymarket's proposal is unique and does not easily fit into any category of the Zoning Ordinance. Haymarket's proposal for the conversion of the 168-room hotel into a non-profit facility for addiction recovery and mental health care includes, among other things:
- i. Detox. Haymarket proposes to have a short-term, medically intense unit for withdrawal management with stays of 3-5 days.
  - ii. Residential Program. Haymarket proposes a "residential program" with stays for individuals receiving mental health care treatment and or addiction recovery treatment for 7 – 90 days.
  - iii. Recovery Homes. "Recovery Homes" is a term used by the Illinois Administrative Code, § 2060.509. These "Recovery Homes" are defined as "alcohol and drug free *housing* components" and must "provide a structured alcohol and drug free environment for congregate living" which can be used by "residents." Haymarket proposes that individuals may live in these Recovery Homes for up to 365 days. When Haymarket initially proposed its facility, it was represented that the Recovery Homes portion of the facility will consist of a minimum of 120-130 beds (60-65 double occupancy rooms).
  - iv. Outpatient. Haymarket's proposal includes outpatient programs for their clients/patients.
  - v. Childcare. Haymarket's proposal includes childcare for its residents and patients in order to provide full family treatment.
  - vi. Education/work. Haymarket's proposal includes parenting education, fatherhood programing, GED preparation class, job placement services, and health education.
  - vii. Dining. Haymarket proposes to have a community dining facility to be used by residents.

- B. Based on this information, Ms. Malik Jarmusz determined that Haymarket's proposal did not fit neatly into any existing category under the Zoning Ordinance. For example, Haymarket's proposal is not clearly:
- i. Boarding/Lodging House. This use is primary residential. Haymarket's proposal is both medical (detox, residential treatment, and outpatient), residential (recovery homes), and other (childcare, education, and job placement).
  - ii. Child Care Center or School. The proposed primary use is not childcare or children's education.
  - iii. Dwelling Unit. This definition (and the subcategories of efficiency, multifamily, single-family detached, single-family attached, etc.) requires complete kitchen facilities and individual bathrooms.
  - iv. Family Care Home. This category does not apply because it is limited to "five (5) or fewer developmentally disabled persons" and Haymarket's proposal is for renovating a 168-bed facility for double occupancy.
  - v. Hotel/Motel. This category does not apply as it is for use by transient guests.
  - vi. Hotel Extended Stay. This category does not apply as the maximum length of stay is 120 days.
  - vii. Lodging Room. This category may apply to the recovery homes portion of the proposal but is not allowed in any district.
  - viii. Nursing Home. This category does not apply as it excludes care for mental illness.
- C. Haymarket's proposal has components of the following:
- i. Dwelling. "A dwelling is a building, or portion thereof, designed or used exclusively for residential occupancy including single-family dwellings, two family dwellings, and multiple-family dwellings, but not including mobile homes, hotels, motels, rooming, boarding, or lodging houses." This definition is a good fit for the proposed recovery homes but not the rest of the proposed uses.
  - ii. Healthcare Facility. Healthcare facilities have two subcategories.

- (1) Clinic: A clinic does not allow any in-patient care but is appropriate for outpatient care.
  - (2) Hospital: “A hospital is any institution, place, building, or agency, public or private, whether organized for profit, or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two (2) or more unrelated persons admitted for overnight stay or longer in order to obtain medical care, including obstetric, psychiatric, and nursing or care of illness, disease, injury, infirmity, or deformity.” The term “hospital”, without regard to length of stay, also includes: “Any facility which is devoted primarily to providing psychiatric and related services and programs for the diagnosis and treatment or care of two (2) or more unrelated persons suffering from emotional or nervous disease” and “mental or physical hospitals.” The detox program and residential program fit most closely into this category.
- D. This property is in the B-2 Community Business District, which is governed by § 8.04 of the Zoning Code and was established to “promote a harmonious, efficient, and convenient retail shopping environment.” The District encourages traffic safety through proper traffic routing and auto parking, freedom from traffic congestion through provisions for adequate off-street parking, and the protection and promotion of the surrounding residential area. Since the B-2 District is primarily a business district, the proposed residential use (the recovery homes component) is not a traditional fit for the district.
- E. When a proposed use does not fit into any existing category under the Zoning Ordinance, the petitioner may either (1) seek a text amendment or (2) planned development. Because a text amendment is forever part of the Zoning Ordinance and this type of proposal seemed unlikely to be reoccurring, Ms. Malik Jarmusz determined that Haymarket should apply for a planned development by special use.
- F. Planned Development by special use is governed by Section 8.04(2) of the Zoning Code. A Planned Development is used when the use of land contains 3 or more acres as an integral unit and combines one or more primary land uses. Here, Ms. Malik Jarmusz determined that the uses in Haymarket’s proposal include two primary uses and several secondary uses:
- i. Residential – Dwelling
  - ii. Healthcare – Hospital
  - iii. Healthcare-Clinic
  - iv. Childcare
  - v. Education

vi. Dining

- G. Because of the multiple uses proposed by Haymarket, Ms. Malik Jarmusz correctly determined that a planned development application was appropriate.

**II. THE ZONING ADMINISTRATOR REASONABLY ACCOMMODATED HAYMARKET'S REQUEST TO WAIVE INAPPLICABLE PROVISIONS OF THE ZONING ORDINANCE.**

Haymarket requested several waivers from Section 14.12's requirements for Planned Development. Because there was no new construction contemplated by Haymarket, Ms. Malik Jarmusz agreed that certain subsections of Section 14.12 were inapplicable. Haymarket is challenging two subsections which were not waived by the Zoning Administrator: the landscape plan and the economic impact statement.

- A. The landscape plan requirement was not waived because the landscaping on the site is approximately four decades old. Ms. Malik Jarmusz believes the Plan Commission and Village Board may wish to take this opportunity to review the existing landscaping and determine whether the existing plantings are adequate for this new proposal.
- B. The economic impact statement was not waived because Village staff has concerns about the impact Haymarket's proposal will have on the Village's tax revenue and resources. Ms. Malik Jarmusz asked Haymarket to address these concerns in an economic impact statement so that the Plan Commission and Village Board can consider them with Haymarket's proposal.

**III. THE ZONING ADMINISTRATOR ACTED WITHIN THE SCOPE OF HER AUTHORITY WHEN REFUSING TO PROCESS AN INAPPLICABLE PETITION AND A LATE PETITION.**

- A. Ms. Malik Jarmusz, as Community Development Director, is the Zoning Administrator (Itasca Code of Ordinances, § 30.091(B)).
- B. Section 14.02(1) states that the Zoning Administrator "shall be in charge of the administration and enforcement of this Ordinance" and is responsible for receiving zoning applications and adopting rules and procedures consistent with the Zoning Ordinance.
- C. Ms. Malik Jarmusz, in her role as Community Development Director and Zoning Administrator, regularly works with petitioners, landowners, and developers to ensure that the materials submitted to the Plan Commission are appropriate and complete. She provides petitioners, landowners, and developers with feedback and comments on their submittals, and often requires them to modify or update their submittals in advance of the Plan Commission hearing or the Village Board meeting. Ms. Malik Jarmusz believes that it is staff's responsibility to ensure that each petition before the Plan Commission and Village Board is appropriate and

complete so that the Plan Commissioners' and Trustees' time is not wasted or misused.

- D. Since petitioners, landowners, and developers may appeal any of Ms. Malik Jarmusz's decisions to the Plan Commission and Village Board, where they receive a chance to be heard and have the adverse decision reviewed, their due process rights are fully protected.
- E. In order to ensure that petitions are appropriate and complete before the public hearing at the Plan Commission, Village staff requires sufficient time to review each petition, provide feedback to each petitioner, and prepare the staff memorandum for the Plan Commissioners' review in advance of the hearing. Village staff works with several departments (engineering, building, and police) and the Fire Protection District to ensure that all concerns are raised before or during the public hearing. To have an orderly process, deadlines are announced at the beginning of the year and enforced. Here, Haymarket was given a 7-day extension to submit all materials for the planned development application. Since they missed the deadline and 7-day extension, Haymarket's petition was not scheduled for the August Plan Commission meeting.
- F. Finally, although numerous petitions with multiple parts are regularly heard before the Plan Commission (e.g., variances, class I site plan review, subdivision, special use), the Plan Commission does not hear alternative or competing petitions. Here, Haymarket submitted 2 special use petitions in the alternative. Mr. Michael Roth's cover letter dated July 3, 2019, indicated that Haymarket was seeking approval of its petition for healthcare special use and, if that was not the appropriate application, approval of its petition for a planned development by special use (page 3). This "either-or" approach would require staff to analyze two separate, alternative petitions and would require this Commission to review these alternative petitions at the same hearing. To Ms. Malik Jarmusz's knowledge, this Plan Commission has never proceeded in this manner and she did not think it was appropriate here.
- G. In her role as Zoning Administrator, Ms. Malik Jarmusz determined that Haymarket needed to submit a complete petition for a planned development by special use and needed to do so by the deadline in order to be placed on the agenda for the Plan Commission. This is consistent with this Commission's prior instructions to Ms. Malik Jarmusz concerning the role of her office and staff and is consistent with how this Commission has handled petitions in the past.

In conclusion, Ms. Malik Jarmusz requests that this Plan Commission uphold her decisions and recommend dismissal of Haymarket's appeal.



## Village of Itasca Community Development Department

550 WEST IRVING PARK RD. ITASCA, IL 60143  
PHONE: 630/228-5671 FAX: 630/773-0852  
e-mail: [smalikjarmusz@itasca.com](mailto:smalikjarmusz@itasca.com)  
[www.itasca.com](http://www.itasca.com)

### **MEMORANDUM**

<b>TO:</b>	Itasca Plan Commission	<b>RE:</b>	Haymarket DuPage, LLC Holiday Inn Proposal 860 W. Irving Park Rd.
<b>FROM:</b>	Shannon Malik Jarmusz, AICP Director of Community Development	<b>DATE:</b>	August 14, 2019
<b>CC:</b>		<b>ENCL:</b>	Haymarket DuPage LLC Appeal submittal dated August 13, 2019

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Attached you will find a submittal from Ice Miller LLP on behalf of Haymarket DuPage with regard to a request for the Plan Commission to consider appeals to administrative determinations made in my capacity as Director of Community Development/Zoning Administrator.

The appeal hearing will occur at next Wednesday's Regular Plan Commission meeting on August 21, 2019. Please review the attached documents to make yourselves familiar with the background.

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**Village of Itasca Zoning Board of Appeals  
Appeal of Zoning Administrator's Decisions**

Date Submitted: 8/13/2019

Petitioner's Information

Name: Haymarket DuPage LLC  
Address: c/o McDermott Center NFP  
932 W. Washington Blvd,  
Chicago, IL 60607  
Contact: Dr. Dan Lustig 312-226-7984  
[DLustig@hcenter.org](mailto:DLustig@hcenter.org)

Property Owner Information

Name: Pearl Hospitality LLC  
Address: 1375 Remington Rd., Suite E  
Schaumburg, IL 60173  
Contact: 847-772-8859

Agent or Attorney

Name: Michael Roth  
Firm: Ice Miller LLP  
Address: 2300 Cabot Dr., Suite 455, Lisle, IL 60532  
Contact: 630-955-6594 [michael.roth@icemiller.com](mailto:michael.roth@icemiller.com)

Street Address of Subject Property:  
860 W. Irving Park Rd., Itasca, IL

Existing Use: Hotel  
Zoning: B-2  
P.I.N: 03-07-202-002  
Lot Size: 304,920

**Appeal**

Section 14.08 of the Village of Itasca, Illinois Zoning Ordinance provides that the "Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement, decision or determination made by the Zoning Administrator or other authorized officials of the Village of Itasca relating to regulations of this Ordinance."

The Village's Code of Ordinances provides, in section 30.091 that the Community Development Director shall serve as the Zoning Administrator. Paragraph (F) of this Section provides that the " Director of Community Development shall see to the enforcement of all ordinances relating to building or zoning . . . to ensure compliance with village ordinances and codes." Certain decisions made by the Zoning Administrator do not comply with the village ordinances and codes and should be reversed for the reasons set forth herein.

Appeal is hereby taken from the Zoning Administrator's decisions as follows:

1. Decision dated July 16, 2019 "rejecting" Petitioner's complete special use application for a healthcare facility, attached hereto as Exhibit 1.
2. Decision dated July 24, 2019 that the Plan Commission will not allow the concurrent processing of Petitioner's two special use applications, one for special use for a healthcare facility and one for a planned development, attached hereto as Exhibit 2.

3. Decision dated May 9, 2019 that an application for special use for a planned development is required for the Petitioner's proposed healthcare facility, attached hereto as Exhibit 3.
4. Decision dated June 25, 2019 to deny Petitioner's requested exemptions from certain planned development requirements, attached hereto as Exhibit 4.

Each of the above decisions from which Petitioner appeals is set forth in more detail in Attachments A through D herein.

This Appeal Submitted by:  
Petitioner, Haymarket DuPage LLC



By: One of Its Attorneys

Michael Roth  
Ice Miller LLP  
2300 Cabot Dr., Suite 455  
Lisle, IL 60532

## Attachment A

Zoning Administrator's Decision being Appealed: Decision dated July 16, 2019 rejecting Petitioner's complete special use application for a healthcare facility. Ex. 1; see also Exhibit 5, Letter dated July 31, 2019; see also Exhibit 6, Letter dated August 12, 2019.

The question inherent herein is whether the Zoning Administrator has the power to reject a complete application for special use for a healthcare facility without a hearing. The answer is no. The Zoning Administrator exceeded her authority and erred in rejecting Petitioner's complete application for special use for a healthcare center without a hearing.

The Village of Itasca, Illinois Zoning Ordinance (the "Code") section 14.11 sets forth the standards and requirements for special uses. A healthcare facility is a special use in the B-2 zoning district. A healthcare facility is defined in the Code and includes both "clinics" and "hospitals." The Petitioner will operate and maintain the existing building and facilities on the subject property without new site development, other than interior renovation. Petitioner's proposed use would be a healthcare facility to provide diagnosis, treatment, and recovery support for persons disabled by substance use and mental health disorders who voluntarily seek care.

Petitioner's special use application was complete and submitted together with the required application fee on July 3, 2019. See Exhibit 7, Petitioner's Application for Special Use for a Healthcare Facility. There has been no finding or indication from the Village or the Zoning Administrator that the Petitioner's application for special use for a healthcare facility was incomplete. Because the application was submitted by the submission deadline and was complete, it should have been processed and scheduled for the August 21, 2019 public hearing and for Plan Commission consideration, findings, and recommendations. Instead, via email, Petitioner was informed that the application for special use for a healthcare center was rejected and would not be presented at the August 21, 2019 hearing. Ex. 1, see also Exs. 5, 6.

The Zoning Administrator does not have the authority to deny a complete application for special use of a healthcare facility without a hearing. Section 14.11.2 of the Code states that "Special Uses shall be authorized or denied by the President and Board of Trustees in accordance with the Illinois Compiled Statutes as amended and the regulations and conditions set forth in this Ordinance for Special Uses." The Code goes on to state "No application for a Special Use shall be acted upon by the President and Board of Trustees until after a public hearing before the Plan Commission and a written report of its findings of fact and recommendations have been submitted to the Village Board of Trustees." Code, § 14.11.2.

Further, the Village has published its Procedures and Petition for Special Use Applications (revised 05/2011), on its website at <https://www.itasca.com/657/Zoning-Ordinance-Related-Documents> (the "Procedures"). The Procedures specifically state that the "Petition for Special Use must be complete in order for your hearing to be schedule [sic] and for action to be taken by the Village. Incomplete Petitions for Special Use will be rejected by the Village and your hearing will not be scheduled until the Petition for Special Use is completely filled out."

Despite the clear language in the Code and the Village's published Procedures, the Petitioner's application for special use for a healthcare facility was not processed, was not presented to the Plan Commission for public hearing, findings, and written report and recommendations to the Board for a final decision. In denying the application, the Zoning Administrator usurped the authority of the Plan Commission and the Village Board. In summarily rejecting the application, the Village Zoning Administrator denied the Petitioner's right to due process, and failed to make a requested, reasonable accommodation for disabled persons.

Therefore, the Zoning Administrator's decision to reject Petitioner's special use for a healthcare facility should be reversed and the matter added to the next Plan Commission's public hearing. The rejection of the application and appeal of that decision have already unfairly prejudiced Petitioner. The Zoning Administrator's rejection has unduly delayed Petitioner's application for special use, which will continue to prejudice Petitioner until the matter is resolved.

## Attachment B

Zoning Administrator's Decision being Appealed: Decision dated July 24, 2019 that the Plan Commission will not allow the concurrent processing of Petitioner's two special use applications, one for special use of a healthcare facility and one for a planned development. Ex. 2.

The question here is whether the Zoning Administrator has the power to determine to allow only one application for special use to move forward at one time. The answer is no. The Zoning Administrator exceeded her authority and erred in ordering that the Village will only process one special use application at a time.

After rejecting the Petitioner's application for special use for a healthcare facility, the Zoning Administrator further decided that even if the two applications could move forward, only one application could move forward at a time. This is incorrect, is not supported by the Village Code, and denies the Petitioner's right to due process and a necessary, reasonable accommodation.

Section 14.11.2 of the Code states that "Special Uses shall be authorized or denied by the President and Board of Trustees in accordance with the Illinois Compiled Statutes as amended and the regulations and conditions set forth in this Ordinance for Special Uses." The Code goes on to state "No application for a Special Use shall be acted upon by the President and Board of Trustees until after a public hearing before the Plan Commission and a written report of its findings of fact and recommendations have been submitted to the Village Board of Trustees." There are no provisions in the Code prohibiting the submittal, processing or hearing of two special use applications at the same time.

Further, the Village has published its Procedures and Petition for Special Use Applications (revised 05/2011), on its website at <https://www.itasca.com/657/Zoning-Ordinance-Related-Documents> (the "Procedures"). The Procedures specifically state that the "Petition for Special Use must be complete in order for your hearing to be schedule [sic] and for action to be taken by the Village. Incomplete Petitions for Special Use will be rejected by the Village and your hearing will not be scheduled until the Petition for Special Use is completely filled out." There are no provisions in the Procedures prohibiting the submittal, processing or hearing of two special use applications at the same time.

Without any authority, the Zoning Administrator unilaterally determined that two special use applications cannot be processed or heard at the same time solely because the processing of two special use applications at the same time has never been allowed before; because doing so would require staff and Plan Commission time; and because doing so would increase the chances of confusion and error.

There is no authority in the Village Code or elsewhere for this decision and it should be reversed. The Village regularly processes multiple applications for zoning relief for the same property at the same time, e.g., zoning map amendments, special uses, variations, text amendments, subdivisions, and planned developments. In practice the Village staff and the Plan

Commission have demonstrated the capability to address and make findings on these requests for relief in multiple applications, even involving separate and distinct standards, without becoming confused. Indeed, the processing of evidence for a healthcare facility special use at the 860 W. Irving Park Road property is far more straightforward and far less confusing than processing a planned development special use. This is particularly true when the proposed planned development involves the same project site with no development, and with the Zoning Administrator having waived no less than 38 of 54 planned development code requirements, as inapplicable to the proposal. See Ex. 4.

The decision to not process or hear two special use applications at the same time unfairly prejudices Petitioner, will unduly delay Petitioner's applications for special use, and may result in inconsistent decisions due to the improperly imposed bifurcated process. Petitioner will continue to be prejudiced until the matter is resolved. Furthermore, the delay that will result from the Village's refusal to process more than one special use application concurrently will cause the Petitioner significant financial hardship and potential damages; is a denial of Petitioner's right to due process; and is a failure to make a requested, necessary, and reasonable accommodation for disabled persons.

## Attachment C

Zoning Administrator's Decision being Appealed: Decision dated May 9, 2019 that an application for special use for a planned development is required for the Petitioner's proposed healthcare facility. Ex. 3; see also Exs. 1, 2, 4.

The question here is whether the Petitioner's proposed project qualifies as a healthcare facility, as defined by the Village Zoning Code. The simple answer is yes, and therefore the Petition should properly be processed as such. The application for a special use for a planned development is not required, contrary to the Zoning Administrator's decision.

The definition of "Healthcare Facility (Health Centers)", as stated in Section 3 of the Code states that it includes both a "Clinic" and "Hospital." "Clinic" is defined in the Code, Section 3, as:

a building containing an association or group of physicians, dentists, clinical psychologists, and similar professional healthcare practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The healthcare facility may include apothecary, dental, medical laboratories, and/or x-ray facilities, but shall not include in-patient care and/or operating rooms for major surgery.

"Hospital" is defined in the Code, Section 3, as:

any institution, place, building, or agency, public or private, whether organized for profit, or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two (2) or more unrelated persons admitted for overnight stay or longer in order to obtain medical care, including obstetric, psychiatric, and nursing or care of illness, disease, injury, infirmity, or deformity.

The Code expressly defines the term "hospital" "without regard to length of stay."

1. Any facility which is devoted primarily to providing psychiatric and related services and programs for the diagnosis and treatment or care of two (2) or more unrelated persons suffering from emotional or nervous disease; and
2. All places where pregnant women are received, cared for, or treated during delivery irrespective of the number of patients received.

Section 3 of the Code further includes, within the definition of "hospital," "general and specialized hospitals, tuberculosis sanatoria, mental or physical hospitals and sanatoria, and includes maternity homes, lying-in-homes, and homes for unwed mothers in which aid is given during delivery."

In its application for special use approval as a healthcare facility, the Petitioner stated that it "will provide diagnosis, treatment, and recovery support services for persons disabled by substance use and mental health disorders who voluntarily seek care. Services will include

inpatient, outpatient, and recovery programming, as described in detail in Attachment A.” See Ex. 7.

As stated in Attachment A to Petitioner’s application, the proposed healthcare facility “will be licensed by the Illinois Department of Human Services for a continuum of substance use disorder treatment services for adult males and females, ages 18 and older, under Title 77 Illinois Administrative Code Rule 2060, and as further described by the American Society of Addiction Medicine.” (footnote not included). Ex. 7.

Attachment A to Petitioner’s application goes on to state the continuum of medical services that it will provide:

- Assessment/diagnosis.
- Crisis stabilization, with stays up to seven days. Crisis stabilization will be staffed with licensed clinical staff and a registered nurse or licensed practical nurse at least 40 hours per week and with additional staff 24 hours per day, seven days per week, 365 days per year.
- Medically monitored withdrawal management (detoxification), with usual stays of three to five days. Withdrawal management units are staffed with nurse practitioners or physician assistants, registered nurses and/or licensed practical nurses 24 hours per day, seven days per week, 365 days per year. Additional staff include Illinois Certification Board-certified counselors.
- Clinically managed high-intensity residential substance use disorders treatment, with separate programs for men and women. Residential programs will have usual lengths of stay, depending on the specialized program, of up to 7, 14, 28, or 90 days. Residential substance use disorders programs are staffed with registered nurses or licensed practical nurses and Illinois Certification Board-certified or licensed counselors at least 40 hours per week and with additional program staff 24 hours per day, seven days per week, 365 days per year.
- Outpatient substance use disorders treatment. Outpatient programs are staffed with Illinois Certification Board-certified or licensed counselors, as well as with case managers.
- “Recovery home” programs, as that term is defined and used by the above-referenced state regulations, with separate programs for men and women. Recovery home stays will usually be 90 days but may be up to 365 days. Title 77 Illinois Administrative Code Rule 2060 defines recovery homes as “alcohol and drug free housing components whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons who exhibit treatment resistance, relapse potential and/or lack of suitable recovery living environments or who recently have completed substance abuse treatment services or who may be receiving such treatment services at another licensed facility.” Rule 2060 requires Recovery Homes to have certified staff and structure including at least five group sessions per week. In Petitioner’s model, certified staff is on the unit 24 hours per day, seven days per week, 365 days per year to administer programs, and medication, and monitor patient compliance and progress. Petitioner’s

model also includes requirements that Recovery Home patients provide weekly schedules and inform staff of all movement external to the building, and sign in and out every time they enter or leave the unit.

Attachment A to Petitioner's application further states that "[p]sychiatry and psychological services will be available throughout the facility for patients with co-occurring mental disorders. These will include on site as well as telepsychiatry and licensed clinicians on site who will conduct clinical groups and individual counseling." Ex. 7.

Petitioner's proposed use of the land and the services to be provided by Haymarket squarely fit within the definition of "healthcare facility, as defined in the Code. Pursuant to Illinois law, the language in zoning ordinances must be interpreted in favor of the free use of property, and any ambiguity will be interpreted in favor of the property owner. *Chicago Title & Trust Co. v. Village of Inverness*, 315 Ill. App. 3d 1100 (1st Dist. 2000); *Monat v. County of Cook*, 322 Ill. App. 3d 499 (1st Dist. 2001); *American National Bank & Trust Company of Chicago v. Village of Arlington Heights*, 115 Ill. App. 3d 342 (1st Dist. 1983). The terms used in zoning ordinance definitions are interpreted based on their commonly understood meanings. *County of Lake v. Gateway Houses Foundation, Inc.*, 19 Ill. App. 3d 318 (2d Dist. 1974).

The definition of "healthcare facility" within the Code, when reasonably interpreted by the terms' ordinary meanings, encompasses Petitioner's proposed use and services. Therefore, the Petitioner's proposed project qualifies as a healthcare facility, as defined by the Code.

The reason given for the Zoning Administrator's rejecting the special use application for a healthcare facility, and her order that the Village will only consider an application for a planned development (with no less than 38 waivers or exceptions, see Ex. 4) is that the Petitioner's proposed project includes residential and educational uses as other "primary uses." Of course, even if there is a residential or educational component to the healthcare facility proposed, those uses are subsumed within the defined scope of a healthcare facility and hospital, and those uses are not "primary" uses separate from the healthcare facility.

The term "primary use" is not defined in the Village Code. The term "residential use" is also not defined in the Code. "Residence Districts" under the Zoning Code provide for the development of various types of "dwelling units" within the framework of the Amendatory Comprehensive Plan adopted on February 28, 1995 or as amended, as stated in Section 7.01 of the Code. "Dwelling Units" and "Dwelling" are both defined in the Code.

Dwelling is defined as "a building, or portion thereof, designed or used exclusively for residential occupancy including single-family dwellings, two family dwellings, and multiple-family dwellings, but not including mobile homes, hotels, motels, rooming, boarding, or lodging houses."

A "Dwelling Unit," as defined in the Village's Zoning Code "consists of one (1) or more rooms, which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall be included in

each dwelling unit.” The Code specifies different types of “dwelling units” such as single-family – detached, multiple-family, semi-detached, etc.

Petitioner’s proposed use does not include any dwellings or dwelling units. The rooms patients will stay in are the same hotel rooms that customers currently stay in at the Holiday Inn. These are and will continue to be temporary stays – just as in the case of unlimited hospital stays for patients and guest stays at lodging houses and extended stay hotels. Not only are the stays at the proposed Haymarket healthcare facility temporary, but these stays are highly regulated, double-occupancy for unrelated patients, and with no rooms having kitchens. Further, although the rooms are double-occupancy, only the patient is allowed to stay on the property, not the patient’s family. As a result, the double-occupancy in each room includes individuals from different families. *See Ex. 7, at Attachment A.*

Petitioner’s application includes a description of two types of temporary stays for patients: (1) “residential program” and (2) “recovery home program.” The “residential program” has stays for patients of approximately 7, 14, 28, or 90 days. This program is termed “residential” as opposed to “outpatient.” Again, this stay is solely for addiction recovery, is highly regulated, and double-occupancy with no family members allowed. *See Ex. 7, at Attachment A.*

The other type of temporary stay is the “recovery home program.” Recovery home stays will usually be 90 days but may be up to 365 days. Recovery Homes, as defined by Title 77 Illinois Administrative Code Rule 2060, are “alcohol and drug free housing components whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons who exhibit treatment resistance, relapse potential and/or lack of suitable recovery living environments or who recently have completed substance abuse treatment services or who may be receiving such treatment services at another licensed facility.” Rule 2060 requires Recovery Homes to have certified staff and structure including at least five group sessions per week. *See Ex. 7, at Attachment A.*

Under both the “residential program” and the “recovery home program,” there are no dwellings or dwelling units, as defined in the Code. Further, there is only one “primary use”—that of a healthcare facility. There is no residential zoning classification under the Village’s Zoning Code that could be honestly and fairly applied to allow the temporary stays at the proposed Haymarket healthcare facility as a permitted or special use. The sole use proposed is for a healthcare facility “devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two (2) or more unrelated persons admitted for overnight stay or longer in order to obtain medical care.” Code, § 3. Therefore, there is not a “residential use” component to Petitioner’s proposed project, and the Zoning Administrator’s conclusion otherwise is wrong.

Petitioner’s application for special use for a healthcare facility, therefore, includes only one primary use—that of a healthcare facility. Healthcare Facilities are specifically defined and are expressly designated as special uses in the B-2 district applicable to the subject property. Therefore, no planned development is required for the Petitioner’s proposed healthcare facility use.

Petitioner submitted a complete special use application for a healthcare facility. For the reasons stated herein, there is no authority for the Zoning Administrator's decision to require a planned development instead of a special use for a healthcare facility, and that decision should be reversed.

The decision to require a planned development imposes additional application requirements and standards that unfairly prejudice Petitioner and have and will unduly delay Petitioner's applications, causing the Petitioner significant financial hardship and potential damages; a denial of Petitioner's right to due process; and is a failure to make a requested, necessary, and reasonable accommodation for disabled persons. Petitioner will continue to be prejudiced until the matter is resolved.

## Attachment D

Zoning Administrator's Decision being Appealed: Decision dated June 25, 2019 to deny Petitioner's requested exemptions from certain planned development requirements. Ex. 4; see also Ex. 1; see also Exhibit 8, Email dated July 10, 2019.

The question here is whether the Zoning Administrator has the power to deny Petitioner's requested exemptions from the planned development requirements. The answer is no. The Zoning Administrator exceeded her authority and erred in denying certain requested exemptions from the planned development requirements.

Section 14.12.2.b states that the "planned development may be exempted from the provisions of the Subdivision Regulations and the Zoning Ordinance of the Village of Itasca to the extent specified in the final authorization of the planned development's Special Use Ordinance."

Petitioner requested exemptions from various sections of the planned development requirements, as stated in Exhibit 9 hereto, as reasonable accommodations and because they were inapplicable. On June 25, 2019, Petitioner received the Zoning Administrator's decisions on each of the requested exemptions. Ex. 4. Of particular importance is the Zoning Administrator's decision that many of the planned development requirements simply do not apply to Petitioner's proposed project.

The Petitioner requested in its planned development application that the Plan Commission exercise its authority under Section 14.12.2.b to exempt Petitioner's application from the filing requirements of a landscape plan and an economic impact statement. Ex. 9. Petitioner's planned development petition demonstrates repeatedly that the proposed "project" involves no new or changed development to the site, and no new or changed landscaping. The Petitioner also demonstrated that, like the Village itself, the Petitioner is a not-for-profit entity, and that the proposed healthcare facility will be a not-for-profit service to disabled persons. As such an economic impact statement is inappropriate and should be waived as a reasonable accommodation.

The requirements of submitting a landscape plan and economic impact statement along with the Petition represent additional burdens and standards not applicable to the Petitioner's project and serve as unreasonable impediments to the proposed use. Instead of granting the exemptions, having a hearing or forwarding the requested petition for exemptions to the Plan Commission or Village Board, the Zoning Administrator simply denied them. Ex. 4.

Additionally, with Petitioner's application for special use for a planned development, attached hereto as Exhibit 10, Petitioner requested that the deadlines for submission of the landscape plan and economic impact statement be extended as a reasonable accommodation. The Zoning Administrator also summarily denied that request on July 10, 2019 (Ex. 8, see also Ex. 1), without a hearing and without forwarding the request to the Plan Commission or the Village Board.

The Zoning Administrator exceeded her authority when she denied both the requested exemptions related to landscaping plan and economic impact statement and the requested extension of the submission deadline for those materials. The decision requiring a landscaping plan and economic impact statement, along with the standards related to those materials, should be reversed and exempted. Petitioner is prejudiced by the denial of these exemptions and its application has been unduly delayed, causing Petitioner significant financial hardship and potential damages; a denial of Petitioner's right to due process; and a failure to receive a requested, necessary, and reasonable accommodation for disabled persons. This prejudice will continue until the matter is resolved.

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**Subject:**

FW: [EXT] Haymarket's petition to the Village of Itasca

**From:** Yordana Wysocki [mailto:YWysocki@hcbattorneys.com]

**Sent:** Tuesday, July 16, 2019 11:00 AM

**To:** Roth, Michael

**Cc:** Carie Anne Ergo; Shannon Malik Jarmusz; Charles Hervas; Julia Hurley; Whitney L. Kum

**Subject:** [EXT] Haymarket's petition to the Village of Itasca

**\*\*EXTERNAL EMAIL\*\***

---

Mike –

Shannon Malik-Jarmusz is out sick today, and we wanted to respond to your July 12th email as soon as possible.

We appreciate that Haymarket has filed two special use applications – one for a planned development, as required by Village staff, and one for a healthcare facility, in the alternative. As previously discussed, Village staff, specifically Ms. Malik-Jarmusz, has determined that Haymarket's proposal is appropriately characterized as a planned development by special use rather than a healthcare facility. If you would like to appeal this decision by Ms. Malik-Jarmusz, please see the procedure outlined in Sections 14.06 and 14.08 of the Itasca Zoning Ordinance. Please submit your appeal at least 7 days before the Plan Commission meeting when you would like it to be heard.

Given that Ms. Malik-Jarmusz has determined that the appropriate petition is one for planned development, the Village rejects your alternative application for a healthcare facility and is returning the additional filing fee (\$300).

Rather, Village staff has accepted Haymarket's special use application for the planned development. However, as you acknowledged, the application is facially deficient in that it is missing the economic impact statement and landscape plan. You have indicated that these items will not be submitted until the end of the month. The cut-off for the August Plan Commission meeting agenda was July 5th. The Village granted a one week courtesy extension until July 12th to provide the missing materials. As of today, July 16th, the Village has not received the economic statement and landscape plan. Therefore, Haymarket has missed the deadline for the August Plan Commission meeting.

The Village staff cannot place the item on the Plan Commission agenda until all materials are received. As noted on the Village website, the submittal deadline for the September 18, 2019, Plan Commission meeting is August 2, 2019. The deadline for the October 16, 2019, agenda is August 30, 2019.

In order to move your application along, Village staff will begin to review the materials Haymarket has submitted to date in support of the planned development special use application and variance application. Staff will correspond with you about any questions or concerns raised

in Haymarket's incomplete submittal. However, the application is not complete until the economic impact statement and landscape plan is received.

Let me know if you have questions.

Yordana Wysocki  
Hervas, Condon & Bersani, P.C.  
333 Pierce Rd., Suite 195  
Itasca, Illinois 60143-3156  
Tel : 630.773.4774  
Direct : 630.860.4354  
Mobile : 608.347.9615  
Fax : 630.773.4851  
[ywysocki@hcbattorneys.com](mailto:ywysocki@hcbattorneys.com)  
[www.hcbattorneys.com](http://www.hcbattorneys.com)



## Village of Itasca Community Development Department

550 W. IRVING PARK RD. ITASCA, IL 60143  
PHONE: 630/773-5568 FAX: 630/773-0852  
e-mail: [comdev@itasca.com](mailto:comdev@itasca.com)  
[www.itasca.com](http://www.itasca.com)

July 24, 2019

Michael M. Roth  
Ice Miller  
2300 Cabot Dr.  
Suite 455  
Lisle, IL 60532

Dear Mr. Roth:

The Village is in receipt of your letter dated July 18, 2019, disagreeing with Ms. Yordana Wysocki's July 16<sup>th</sup> correspondence. Although I can appreciate your concerns about the timing of the Plan Commission hearings, I have been open and upfront with you about the type of petition Haymarket should submit given the mix of healthcare and residential uses. The Village staff's position on this is unchanged: Haymarket must proceed with a planned development by special use application. Haymarket's due process rights are protected in the Village's appeals process. Your appeal of my decision may be heard at the next Plan Commission meeting on August 21, 2019. Please submit your appeal in writing at least 7 days before the meeting so the Plan Commission has sufficient time to prepare.

As previously noted, Haymarket's application for a planned development by special use is deficient. The Village is awaiting your economic impact statement and landscape plan. Once these documents are received, you will be scheduled for a hearing before the Plan Commission. The deadline for the September Plan Commission meeting is August 2, 2019.

Finally, we will not proceed with both the healthcare special use and planned development special use petitions at the same time. We have never allowed an applicant to do so, and it would require staff and the Plan Commission to prepare for two separate hearings on the same property, increasing the chances of confusion and error.

I look forward to receiving the outstanding items for Haymarket's application for a planned development by special use and hope that we can place it on the September Plan Commission agenda.

Sincerely,

Shannon Malik Jarmusz, AICP  
Director of Community Development



## Village of Itasca Community Development Department

550 W. IRVING PARK RD. ITASCA, IL 60143  
PHONE: 630/773-5568 FAX: 630/773-0852  
e-mail: [comdev@itasca.com](mailto:comdev@itasca.com)  
[www.itasca.com](http://www.itasca.com)

May 9, 2019

Donald Musil, Executive Vice President  
Haymarket Center  
932 W. Washington Blvd.  
Chicago, IL 60607

Re: Haymarket's zoning application for 860 W. Irving Park Rd., Itasca, IL 60143

Dear Mr. Musil

This letter is to inform you of the Village staff's position concerning Haymarket Center's proposed change in use at the site of the Holiday Inn at 860 W. Irving Park Road in Itasca. During our meeting on April 30, 2019, it was indicated that Haymarket envisions converting the 168-room hotel currently on the site into a non-profit facility for substance abuse and mental health care. It was described as a providing 3 levels of care: detox, residential treatment, and recovery homes. Importantly, the recovery homes portion of the facility will consist of a minimum of 120-130 beds (60-65 double occupancy rooms), will house clients for long-term (up to a year) stays, will consist of one bathroom per room, and no kitchens.

It is the Village staff's position that this proposed use (as described during our meeting on April 30, 2019) is a mixed use of residential and medical, which would require a special use under Section 8.04(2) of the Itasca Zoning Code. It is recommended that Haymarket proceed under Section 8.04(2)(u), for a Planned Development, given the expected number of variances needed to accommodate this mixed use. Further information about the Planned Development process and submittals can be found in Section 14.12 of the Zoning Code. Please note that a Planned Development is a type of special use and therefore must meet the standards and findings for a special use under Section 14.11, as well as those criteria for a Planned Development under Section 14.12(7).

Feel free to contact me with any additional questions or concerns. We look forward to receiving Haymarket's full petition by July 17, 2019, for placement on the August 21, 2019 Plan Commission agenda.

Sincerely,

Shannon Malik Jarmusz, AICP  
Director of Community Development



## Village of Itasca Community Development Department

550 W. IRVING PARK RD. ITASCA, IL 60143  
PHONE: 630/773-5568 FAX: 630/773-0852  
e-mail: [comdev@itasca.com](mailto:comdev@itasca.com)  
[www.itasca.com](http://www.itasca.com)

June 25, 2019

Michael M. Roth  
Ice Miller  
2300 Cabot Dr.  
Suite 455  
Lisle, IL 60532

Dear Mr. Roth:

This letter is in response to your correspondence dated June 19, 2019.

As we discussed during our meeting earlier this month, the Village's position is that the proposed use (as described to us during our meeting on April 30, 2019) is a mixed-use development of both residential and healthcare. We understand your client's position; however, it is our position that the planned recovery homes, which will house clients for long-term stays up to a year, is residential. Based on this finding, we recommended that Haymarket apply for a special use under Section 8.04(2)(u) for a planned development. At our last meeting, we agreed that certain sections of the planned development submittals are not applicable given the nature of this development and requested that you consider which requirements of Sections 14.12 and 14.13 you would want waived.

Thank you for your detailed response and the preview of Haymarket's ALTA survey and plat of survey. You are correct that the ALTA survey and the plat of survey provided satisfy many of the Village's submittal requirements. However, as discussed in our responses on your Attachment A and B, it is not a substitute for every submittal requirement.

Where possible, the Village has agreed to your request for a waiver of certain subsections. This waiver is based on your representations as to the scope of the proposed use and development. If the scope or contours of the submitted proposal change, certain waivers may need to be revisited.

Other requested waivers were denied. Village staff considered the request, the expected burden on Haymarket to comply with the request, and the Village's interest in providing the Plan Commission, Board, and public with adequate information about Haymarket's proposal before the public hearing.

Additionally, although Haymarket need not petition for variances for existing non-conforming conditions on the property (*e.g.*, height), please submit a summary of all such conditions so that they can be reviewed with the proposed use.

Importantly, you requested waivers of some of the planned development standards which are considered by the Plan Commission and Village Board when reviewing your client's application. Village staff cannot waive these standards. However, if you wish to request a variance from these standards, you are free to do so by accounting for any non-conforming elements of the development in your application so the variance can be heard by the Plan Commission and Village Board.

Finally, as you are aware, all submittals to the Village related to your petition are subject to the Freedom of Information Act. If you have any concerns about a document's publicity, please contact us before submittal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shannon Malik Jarmuz', written over a horizontal line.

Shannon Malik Jarmuz, AICP  
Director of Community Development

Encl.

ATTACHMENT "A" (PLANNED DEVELOPMENT)

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

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption	Village Response
	deemed exempt.	time.
(4)(a)(3) Preliminary plan of subdivision	This provision is inapplicable because there is no subdivision for this project or property. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive because there is not anticipated re-subdivision.
(4)(a)(4)(a)(ii) Site Analysis – Scenic views	This provision is inapplicable for this project or property because there are no scenic views as the property is in a commercial district. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the exterior site plan.
(4)(a)(4)(a)(iii) Site Analysis – wooded areas	This provision is inapplicable because there is no wooded area for this project or property. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the exterior site plan.
(4)(a)(4)(a)(iv) Site Analysis – soil problem areas	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the exterior site plan.
(4)(a)(4)(a)(v) Site Analysis – floodways	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the exterior site plan.
(4)(a)(4)(a)(vi) Site Analysis – streams, drainage	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the exterior site plan.
(4)(a)(4)(a)(vii) Site Analysis –	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years.	Agree to waive at this time based on your representation that there will be no changes to the exterior

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption	Village Response
trees	The landscaping existing is the landscaping proposed. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	site plan.
(4)(a)(4)(a)(viii) Site Analysis – storm water runoff	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The stormwater management existing is the stormwater management proposed. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the exterior site plan.
(4)(a)(4)(b) public utilities	A current ALTA survey will be provided, along with the building plans for the interior of the existing building. This provision is otherwise inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The public utilities existing are the public utilities proposed. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the public utilities. Please be aware that if the estimated volume of use is expected to be different than current use, this provision will have to be complied with.
(4)(a)(4)(c)(iv) easements	A current ALTA survey detailing existing site conditions and improvements will be provided. Any further information or documentation is inapplicable and should be waived or the applicant should be exempt.	Agreed provided that the ALTA survey submitted provides all known easements.
(4)(a)(5)(a) Land use plan – identification and description	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. However, the electronic and reduced paper copy of the current ALTA survey are attached. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive.
(4)(a)(5)(b) Land use plan – design features	This provision is inapplicable because there is no development to take place for this project or property. The electronic and reduced paper copy of the current ALTA survey are attached. The building has been at the site for many years, and there is no	Agree to waive subpart (i), (v) and (vi) as they are not applicable.  We will need an exhibit with height (subpart (ii)). The Village has the enclosed elevation which

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption	Village Response
	residential use. The only site improvements will be the health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	<p>shows building height in its records on the property. Please confirm that this elevation is accurate or submit an accurate elevation.</p> <p>We will also need a floor plan for each level so we can calculate how much vehicle and bike parking is appropriate under the Ordinance (subpart (iii)). You may wish to consider whether § 12.09(c) of the Zoning Ordinance for bike parking can be applied.</p> <p>Finally, we recommend that you provide information on open space for residents (subpart (iv)). Although the Village will not require a dedication, the Plan Commission and/or Village Board may require sufficient open space as an amenity for residents.</p>
(4)(a)(6) Utility Plan	This provision is inapplicable because there is no development to take place for this project or property. The electronic and reduced paper copy of the current ALTA survey are attached. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time based on your representation that there will be no changes to the public utilities. Please be aware that if the estimated volume of use is expected to be different than current use, this provision will have to be complied with.
(4)(a)(7) Written statement	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. There is no residential use, and the only site improvements will be internal and used for the health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive.
(4)(a)(8) Shopping	This provision is inapplicable because there is no development to take place for this project or	Agree to waive.

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption	Village Response
Center	property, there is no shopping center development planned, and the building has been at the site for many years. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	
(4)(a)(9) Preliminary Engineering Plans	This provision is inapplicable because there is no development to take place for this project or property, the building has been at the site for many years, and therefore there are no engineer plans. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time. Please be aware that if the estimated volume of use is expected to be different than current use, this provision will have to be complied with.
(4)(b) Written statement	This provision is inapplicable because there is no development to take place for this project or property, the building has been at the site for many years. There is no residential use proposed, and the only site improvements will be internal and used for the health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	<p>Agree to waive subsection (b)(1) only.</p> <p>We will need a floor plan for each floor/level of the building and the information requested in subsection (b)(2) should be provided with such floor plans.</p> <p>The Village also requests a rough anticipated schedule of rehabilitation/remodeling as required in subsection (b)(3).</p>
(4)(c)(3) Economic impact statement	This provision is inapplicable because there is no development to take place for this project or property, the building has been at the site for many years and economic feasibility is not an appropriate consideration. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Disagree. The Village will not waive this requirement.
(4)(c)(4) Landscape plan	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The landscaping will remain as it currently is. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Disagree. The Village will not waive this requirement. At this time, the Village requests information on the quantity/quality of the four-decade old plantings so an evaluation can be made whether the existing plantings are adequate.
(4)(d)(1)	You agreed that the preliminary plan and final plans	Agreed that Haymarket may make

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption	Village Response
Procedures	may be considered and decided simultaneously, and concurrently with the special use and site plan application. The electronic and reduced paper copy of the current ALTA survey are attached. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt. There is no development to take place for this project or property and the building has been at the site for many years.	its preliminary and final submittals at the same time. The Village will not agree to waiving our standard public process under § 14.12.
(4)(d)(3) Procedures	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.	See above.
(4)(e) Plan Commission Procedures	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.	See above.
(4)(f) Board Procedures	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.	See above.
(5) (generally) Final Development Plan	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.	See above.
(5)(a)(1) Final Plan	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The land is not being subdivided into lots and the entire property will be a health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive.
(5)(a)(3) Plat of subdivisions	This provision is inapplicable because there is no subdivision or development to take place for this project or property. The entire property will be a health center. Should the Village not agree, we believe that this provision should be waived or the	Agree to waive.

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption	Village Response
	applicant should be deemed exempt.	
(5)(a)(5) Final Site Plan	A current ALTA survey detailing existing site conditions and improvements is being provided and any further information or documentation is inapplicable and should be waived or the applicant should be deemed exempt.	Agree to waive.
(5)(a)(6) Dedication	This provision is inapplicable because there is no development to take place for this project or property, the building has been at the site for many years and there will not be any dedication of land. Therefore, this provision should be waived or the applicant should be deemed exempt	Agree to waive assuming there will be no dedication of property.
(5)(a)(7) Tabulations of each use area	This provision is inapplicable because there the land is not being subdivided into lots, the entire property will be a health center, and there are no dwelling units at the property. Therefore, this provision should be waived or the applicant should be deemed exempt.	Disagree. The Village will not waive this requirement. Your submittal should include information on density.
(5)(a)(8) Landscape Plan	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The landscaping will remain as it currently is. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Disagree. The Village will not waive this requirement. At this time, the Village requests information on the quantity/quality of the four-decade old plantings so an evaluation can be made whether the existing plantings are adequate.
(5)(a)(9) Utilities and Drainage	This provision is inapplicable because there is no development to take place for this project or property and the building, with utilities has been at the site for many years. The utilities and drainage will remain as they currently are. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive at this time. Please be aware that if the estimated volume of use is expected to be different than current use, this provision will have to be complied with.
(5)(a)(10) Covenants	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. There will be no covenants. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree to waive.

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption	Village Response
(5)(a)(11) Deeds/ Easement Agreements	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. There will be no deeds, easement agreement, or by-laws beyond the Haymarket DuPage LLC by-laws. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt	Agree to waive provided there are no new easements proposed.
(5)(a)(12) Article of Incorporation	This provision is inapplicable because there is no development to take place for this project or property and no homeowner's, merchant's or industrial owner's association. Therefore, this provision should be waived or the applicant should be deemed exempt.	Agree to waive.
(5)(a)(13), (14), and (15) Final development schedule, final architectural plans, final engineering drawings	These provisions are inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Should the Village not agree, we believe that these provisions should be waived or the applicant should be deemed exempt.	The Village also requests a rough anticipated schedule of rehabilitation/remodeling as required in subsection (a)(13).  The Village agrees that the following will satisfy subsections (a)(14) and (a)(15): floor plans for each level and a table breaking down by type of use (e.g., patient rooms, lodging/residences, medical offices, common areas, etc.) so we can calculate expected parking requirements.
(5)(b) Escrow deposits	This provision is inapplicable because there is no development, public facilities or improvements to take place for this project or property and the building has been at the site for many years. Should the Village not agree, we believe that these provisions should be waived or the applicant should be deemed exempt.	Agree to waive; however, building permits for remodeling will require sureties and these are not waived.
(5)(c) Common open space	This provision is inapplicable because there is no common open space to take place for this project or property. Should the Village not agree, we believe that these provisions should be waived or the applicant should be deemed exempt.	Agree to waive.

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption	Village Response
(5)(d) Procedures	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.	Agree to waive only the 60 day requirement in subsection (d)(4). The Village will not agree to waiving our standard public process under § 14.12(5)(d).
(6) Changes to Planned Development	This provision is inapplicable because there is no change or modification to an existing planned development.	Agree that this section is not applicable at this time.
(7)(a)(5) Standards	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Therefore, this provision should be waived or the applicant should be exempt.	Agree that subsection (7)(a)(5) does not apply to your proposal.
(7)(a)(6) Standards	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. There is no mix of principle uses. There will be no private streets or common driveways. Should the Village not agree, we believe that these provisions should be waived or the applicant should be deemed exempt.	The Village cannot determine whether subsection (7)(a)(6) applies at this time. If Haymarket believes this subsection does not apply to its proposed development, Haymarket may request relief from this standard in the form of a variance so the Plan Commission may consider the request.
(7)(a)(7) Standards	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Therefore, this provision should be waived or the applicant should be deemed exempt.	The Village cannot determine whether subsection (7)(a)(7) applies at this time. If Haymarket believes this subsection does not apply to its proposed development, Haymarket may request relief from this standard in the form of a variance so the Plan Commission may consider the request.
(7)(b)(1)-(4) Standards	This provision is inapplicable because there are no dwelling units or residential land uses proposed. The property will only be used as a health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Disagree. It is the Village's position that the recovery homes portion of the proposal are residential in nature and thus these standards are applicable to Haymarket's proposal.  If Haymarket believes that certain subsections do not apply to its

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption	Village Response
		proposed development, Haymarket may request relief from this standard in the form of a variance so the Plan Commission may consider the request.
(7)(c) Standards	This provision is inapplicable because there are no dwelling units or residential land uses or cluster subdivision proposed. The property will only be used solely as a health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree that the proposal is not a cluster subdivision.
(7)(d) Standards	There is no development to take place for this project or property and the building has been at the site for many years. A current ALTA survey and traffic study are being provided and any further information or documentation is inapplicable and should be waived or the applicant should be exempt.	Disagree. It is the Village's position that the medical treatment facilities proposed are business in nature and thus these standards are applicable to Haymarket's proposal.  If Haymarket believes that certain subsections do not apply to its proposed development, Haymarket may request relief from this standard in the form of a variance so the Plan Commission may consider the request.
(7)(e)(1) Standards	This provision is inapplicable because there is no development proposed for the property, there are no dwelling units or proposed residential land uses, the building has been at the site for many years, and the property will only be used as a health center. The existing improvements are either already approved by variance or are legal non-conforming conditions that may continue. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Disagree. If Haymarket believes that certain subsections do not apply to its proposed development, Haymarket may request relief from this standard in the form of a variance.
(7)(e)(2) Standards	This provision is inapplicable because there is no development proposed for the property, the building has been at the site for many years, and the property will only be used as a health center. The existing improvements are either already approved by bulk	Disagree. If Haymarket believes that certain subsections do not apply to its proposed development, Haymarket may request relief from this standard in the form of a

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption	Village Response
	variances or are legal non-conforming conditions that may continue. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	variance.
(7)(e)(3) Standards	This provision is inapplicable because there is no development proposed for the property, there are no industrial areas proposed. The property will only be used as a health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.	Agree that this subsection is inapplicable.

ATTACHMENT "B" (SITE PLAN)

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

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

	provision should be waived or the applicant should be deemed exempt.	variance.
7(e) Standards	Applicant will comply to the extent that these provisions are applicable even though no development of vacant land or redevelopment of improved land is occurring. For example, we will provide the Village with a traffic and parking report. However, the building has been at the site for many years, and the property will be used solely as a health center under single ownership. The existing improvements are either already approved by bulk variances or are legal non-conforming conditions that may continue. The electronic and reduced paper copy of the current ALTA survey detailing existing site conditions and improvements are attached. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt.	Disagree. If Haymarket believes that certain subsections do not apply to its proposed development, Haymarket may request relief from this standard in the form of a variance.



## Village of Itasca

### Community Development Department

550 W. IRVING PARK RD. ITASCA, IL 60143  
PHONE: 630/773-5568 FAX: 630/773-0852  
e-mail: [comdev@itasca.com](mailto:comdev@itasca.com)  
[www.itasca.com](http://www.itasca.com)

July 31, 2019

Michael M. Roth  
Ice Miller  
2300 Cabot Dr.  
Suite 455  
Lisle, IL 60532

Dear Mr. Roth:

Pursuant to my July 24, 2019 letter rejecting Haymarket's petition for special use for a healthcare facility, enclosed you will find original check, #18986 from McDermott Center (DBA Haymarket Center) in the amount of \$300. I have also included check #18984 to refund variance filing fees. As indicated in the July 24<sup>th</sup> letter, Haymarket must proceed with a planned development by special use application. As such, any variances will be incorporated into the planned development petition as exceptions, so the variance filing fee is not necessary.

We look forward to receiving the outstanding economic impact statement and landscape plan in order to proceed with scheduling the special use for planned development for public hearing on September 18, 2019. As a reminder, the filing deadline for this meeting is this Friday, August 2, 2019.

Sincerely,

Shannon Malik Jarmusz, AICP  
Director of Community Development

McDermott Center DBA Haymarket Center

18984

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0059058

7/1/2019

06/24/19-1

6/24/2019

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\$250.00

\$0.00

\$250.00

ORIGINAL DOCUMENT REQUIRED ON CHEMICAL REACTIVE PAPER WITH MICR SENSITIVE INK. BANK COPY WILL NOT BE RECORDED.

McDermott Center  
DBA Haymarket Center  
120 N. Sangamon Street  
Chicago, Illinois 60607

MB FINANCIAL BANK  
6111 N. RIVER ROAD  
ROSEMONT, IL 60018  
70-173710



18984

DATE

AMOUNT

7/1/2019

\$250.00

Two Hundred Fifty Dollars and 00 Cents

PAY  
TO THE  
ORDER  
OF

VILLAGE OF ITASCA  
550 W. Irving Park Rd.  
Itasca IL 60143

Void After 180 Days

WWW.CHECK21.INTERNET.COM

⑈018984⑈ ⑆071001737⑆ ⑈10308498⑈

Sincerely,

Shannon Malik Jarmusz, AICP  
Director of Community Development

McDermott Center DBA Haymarket Center

18986

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ORIGINAL DOCUMENT PRINTED ON CHEMICAL RESISTANT PAPER WITH HEAT SENSITIVE INK ON A COAT AND MICROBURNED BORDER

18986

McDermott Center  
DBA Haymarket Center  
120 N. Sangamon Street  
Chicago, Illinois 60607

MB FINANCIAL BANK  
6111 N. RIVER ROAD  
ROSEMONT, IL 60018  
70-173/710



DATE

AMOUNT

7/1/2019

\$300.00

Three Hundred Dollars and 00 Cents

Void After 180 Days

PAY  
TO THE  
ORDER  
OF

VILLAGE OF ITASCA  
550 W. Irving Park Rd.  
Itasca IL 60143

WWW.CHECKADVANTAGE.COM

⑈0 18986⑈ ⑆071001737⑆ ⑈10308498⑈



## Village of Itasca

### Community Development Department

550 W. IRVING PARK RD. ITASCA, IL 60143  
PHONE: 630/773-5568 FAX: 630/773-0852  
e-mail: [comdev@itasca.com](mailto:comdev@itasca.com)  
[www.itasca.com](http://www.itasca.com)

August 12, 2019

Michael M. Roth  
Ice Miller  
2300 Cabot Dr.  
Suite 455  
Lisle, IL 60532

Dear Mr. Roth:

The Village is in receipt of your letter and Haymarket's supplemental materials – a landscape plan, photographs related to that plan, and Haymarket's economic impact study – submitted in support of its application for a planned development by special use on August 2, 2019. Because the application is now complete, we have scheduled a hearing on Haymarket's application for a planned development by special use for the September 18, 2019, Plan Commission meeting.

In your letter dated August 2, 2019, you state that the supplemental materials submitted are in support of 3 different applications. As you are aware from our previous correspondence, your applications for a healthcare special use and the related variance application were rejected because they were the wrong applications. Haymarket's application for a planned development by special use is the only application scheduled for the September 18, 2019, Plan Commission meeting.

It is our understanding that Haymarket may wish to appeal my decision concerning the appropriate application for Haymarket's proposal. As I've previously explained, you may appeal my decision to the Itasca Plan Commission pursuant to Section 14.08 of the Zoning Ordinance. As a courtesy, we have tentatively placed your appeal on the August 21, 2019 Plan Commission meeting agenda. Please confirm your intent to appeal as soon as possible but no later than August 14, 2019, by submitting a written appeal.

Finally, you mention in your letter that Haymarket will be submitting further materials related to its application for a planned development by special use in advance of the September 18, 2019, hearing. Please submit these materials as soon as possible to give staff and the Plan Commission sufficient time to review them before the September 18, 2019, hearing.

Sincerely,

Shannon Malik Jarmusz, AICP  
Director of Community Development

**PETITION FOR SPECIAL USE**

Village of Itasca Plan Commission  
c/o Community Development Department  
550 W. Irving Park Rd.  
Itasca, IL 60143  
(Ph): 630-773-5568 (F): 630-773-0852  
[comdevitasca.com](http://comdevitasca.com)

Date Submitted: \_\_\_\_\_

**ALL ITEMS MUST BE COMPLETE TO PROCESS APPLICATION**

Address(es) of Property: 860 W. Irving Park Rd.

Owner(s) of Property: Pearl Hospitality LLC, an Illinois limited liability company

Petitioner(s) (if other than owners): Haymarket DuPage LLC, an Illinois limited liability company

Existing Use: hotel Zoning: B-2

P.I.N. #(s): 03-07-202-002 Lot Size (sq. ft.): 304,920

Please answer the following questions (you may attached additional sheets if needed):

1. Please provide a detailed description of the use requested.

The request is for approval of a special use for a health center under Section 8.04.2.m of the Itasca Zoning Ordinance. Health Centers (Healthcare Facilities) include "clinics" and "hospitals" such as that proposed. The Petitioner will operate and maintain the existing building and facilities on the subject property without new site development, other than interior renovation. There will be no change to the height, size or location of existing structures.

The Petitioner will provide diagnosis, treatment, and recovery support for persons disabled by substance use and mental health disorders who voluntarily seek care. Services will include inpatient, outpatient, and recovery programming, as described in detail in Attachment A.

Petitioner also requests a variation permitted under Section 4.11.8 of the zoning ordinance to waive the site plan standards as stated in Section 14.13.7.c, 14.13.7.d, and 14.13.7.e.

2. Please explain how the special use requested is in the interest of the public and is not solely for the interest of the applicant.

Attachment B details the urgent public need for the access to substance use disorder and mental health care the Petitioner provides. Petitioner is an Illinois not for profit organization delivering services according to a public benefit mission and obtains no benefit to itself. See Attachment C explaining why this location is appropriate.

3. Explain the reasons why the special use is necessary or desirable for the public convenience and how it will contribute to the general welfare of the neighborhood or community at this location.

The special use is necessary and desirable for the public convenience due to the rapid and widespread growth of the life threatening health and safety problem here in DuPage, as well as in Illinois and the rest of the country —as explained in more detail in Attachment B. The special use will

contribute to the general welfare of the community because this location offers the Petitioner the ability to improve access to treatment and recovery services that are needed in DuPage County. This particular site is appropriate for the reasons state in response to #4.

Itasca's zoning ordinance presents a hardship and impediment to community access to needed treatment because the zoning regulations exclude health centers, including clinics and hospitals, from all but the Village's one regional office center, except as allowed by special use permit. The grant of the requested special use at this location would be a reasonable accommodation in favor of individuals in need of the Petitioner's services. The hardship that the Petitioner—and those individuals needing care—would suffer by the denial of the Petition outweighs any gain to the public by refusing the Petition.

The current owners of the subject property have found that, for several reasons, subject site is not economically viable for continued use as zoned and used for hotel purposes.

4. Will the special use be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity? Please explain your answer.

No. The very purpose of the special use proposed is to provide a benefit to the public health, safety, and welfare.

As a permitted special use in the B-2 zoning district, it is presumed that health care center is a compatible use, if reasonable, special precautions are taken. The inclusion of health care centers as special uses in the B-2 zoning district is tantamount to the Village's finding that health care centers are in harmony with the Village's general zoning plan and will not adversely affect the neighborhood.

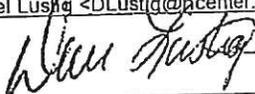
The existing building and improvements is perfectly suited to the Petitioner's proposed use. There will be no change to the height, size or location of the existing hotel structure. The medical facility in the existing commercial building is compatible with the existing office, commercial and industrial uses in the immediate vicinity of the subject property. Traffic, lighting, utilities, storm water management and other aspects of the proposed land use are appropriate for this location. Existing uses and zoning of nearby property, and property values, will not be negatively impacted by the special use proposed by Petitioner.

5. What effect will the use have on property values and improvements in the vicinity? Please explain your answer.

No negative effect. See response to #4 above.

Owner's Name(s): Pearl Hospitality LLC, an Illinois limited liability company  
Address: 1375 Remington Rd., Suite E Phone: (847) 772-8859  
Schaumburg, IL 60173  
Email: \_\_\_\_\_

Petitioner's Name(s): Haymarket DuPage LLC Phone: (312) 226-7984  
Address(es): c/o McDermott Center NFP Email: Dr. Daniel Lustig <DLustig@hcenter.org>  
932 W. Washington Blvd, Chicago, IL 60607

Signature: 

Agent or Attorney (if applicable)  
Name: Michael Roth  
Firm: Ice Miller LLP  
Address: 2300 Cabot Drive, suite 455  
Lisle, IL 60532  
Phone: (630) 955-6594  
Email: michael.roth@icemiller.com

Site Planner or Engineer (if applicable)  
Name: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Please attach the following:

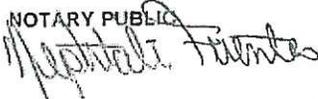
- Legal description of property (from title policy or plat of survey) — required for all variances.
- Current plat of survey (showing all site improvements/structures and easements).
- Architectural renderings of new or altered structures (if applicable).
- Site Plan (drawn to scale showing buildings, parking spaces, storm water detention and all other significant data with all pertinent dimensions fully noted).
- If held in trust, letter naming all beneficiaries of the trust and authorizing the below signed person to act on the matters related to the petition request. The letter must be signed by all beneficiaries of the trust.

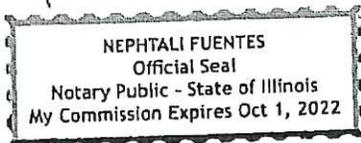
THE LEGAL TITLEHOLDER MUST SIGN THE PETITION. Where the property is held in trust, the trust officer must sign the petition and include a letter naming all beneficiaries of the trust and authorizing the below signed person to act on the matters related to this petition request. The undersigned acknowledges and agrees that this application and all documentation submitted becomes public record and may be viewed by the public.

I/WE \_\_\_\_\_ DO HEREBY CERTIFY OR AFFIRM THAT I/WE ARE THE OWNER(S) OF RECORD OF THE AFORESAID DESCRIBED PROPERTY AND HEREBY MADE APPLICATION AS SUCH.

Signature: 

SUBSCRIBED AND SWORN TO  
BEFORE ME THIS last DAY OF July, 2019

NOTARY PUBLIC  




## Attachment A

The Petitioner requests approval for a special use under Section 8.04.2.m of The Village of Itasca, Illinois Zoning Ordinance (Zoning Ordinance): “Health centers, including clinics and hospitals.”

The Petitioner proposes to operate a health center with a range of medical and clinical services, maintaining the existing building and facilities on the identified property with no change to the height, size, or location of the existing hotel structure and with no new site development. Planned interior renovations will be to convert some current guest rooms to group counseling rooms, clinical and medical staff offices, and nurse stations; to expand the recreation center; and to fill in the pool to establish a primary care clinic. Existing hotel rooms that are not renovated as described will be used for patient care. No room is a “Dwelling” or “Dwelling Unit,” as defined in the Zoning Ordinance (pages 3-13 through 3-14), nor will become a “Dwelling” or “Dwelling Unit” through renovation or use.

The health center will be licensed by the Illinois Department of Human Services for a continuum of substance use disorder treatment services for adult males and females, ages 18 and older, under Title 77 Illinois Administrative Code Rule 2060 and as further described by the American Society of Addiction Medicine.<sup>1</sup>

The continuum of services will include the following:

- Assessment/diagnosis.
- Crisis stabilization, with stays up to seven days. Crisis stabilization will be staffed with licensed clinical staff and a registered nurse or licensed practical nurse at least 40 hours per week and with additional staff 24 hours per day, seven days per week, 365 days per year.
- Medically monitored withdrawal management (detoxification), with usual stays of three to five days. Withdrawal management units are staffed with nurse practitioners or physician assistants, registered nurses and/or licensed practical nurses 24 hours per day, seven days per week, 365 days per year. Additional staff include Illinois Certification Board-certified counselors.
- Clinically managed high-intensity residential substance use disorders treatment, with separate programs for men and women. Residential programs will have usual lengths of stay, depending on the specialized program, of up to 7, 14, 28, or 90 days. Residential substance use disorders programs are staffed with registered nurses or licensed practical nurses and Illinois Certification Board-certified or licensed counselors at least 40 hours per week and with additional program staff 24 hours per day, seven days per week, 365 days per year.
- Outpatient substance use disorders treatment. Outpatient programs are staffed with Illinois Certification Board-certified or licensed counselors, as well as with case managers.

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<sup>1</sup> The American Society of Addiction Medicine, *The ASAM Criteria: Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions*, Third Edition. 2013.

- Recovery home programs with separate programs for men and women. Recovery home stays will usually be 90 days but may be up to 365 days. Recovery Homes, as defined by Title 77 Illinois Administrative Code Rule 2060, are “alcohol and drug free housing components whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons who exhibit treatment resistance, relapse potential and/or lack of suitable recovery living environments or who recently have completed substance abuse treatment services or who may be receiving such treatment services at another licensed facility.” Rule 2060 requires Recovery Homes to have certified staff and structure including at least five group sessions per week. In Petitioner’s model, certified staff are on the unit 24 hours per day, seven days per week, 365 days per year. Petitioner’s model also includes requirements that Recovery Home clients provide weekly schedules and inform staff of all movement external to the building, and sign in and out every time they enter or leave the unit.

All programs with stays over night or longer will have two patients per room.

All clinical services will be delivered according to individualized treatment plans signed by Petitioner’s medical director, who is a board-certified physician. All patients or clients in all programs will be subject to random drug testing at least twice per week. Medications for all patients or clients in any residential unit, including recovery homes, will be surrendered to staff, logged, and kept in a locked cabinet in a locked office. Patients and clients will be observed taking their medications at the prescribed intervals, and staff members document medication observation in the clients electronic health record.

A medical clinic will be located on the main floor. Patients whose medical needs exceed the capacity of the medical clinic, or who have their own physicians, will be transported by Petitioner’s staff to other medical care, unless there is a medical emergency. Petitioner will have signed linkage agreements with local hospitals, primary care clinics, and other service providers.

Psychiatry and psychological services will be available throughout the facility for patients with co-occurring mental disorders. These will include on site as well as telepsychiatry and licensed clinicians on site who will conduct clinical groups and individual counseling.

Petitioner will provide, or arrange for provision of, additional services that will enhance the structure of the facility programming and enhance the ability of patients to maintain long term recovery. These services include:

- Child care for children up to age five who may be in residence with their mothers or during outpatient treatment
- Parenting education
- Fatherhood programming
- GED preparation classes
- Job readiness and job placement services
- Health education
- Linkage to care and care coordination for individuals with chronic health conditions

The facility will have security 24 hours per day, seven days per week, 365 days per year of a type and amount similar to that provided at hospitals. All individuals accessing treatment units, whether to visit or for receiving care, will be subject to a routine search by security staff.

Petitioner expects to employ 163 full time staff that will include medical, clinical, program support, administrative, security, housekeeping, janitorial, and food preparation/service.

## Attachment B

The need for the services the Petitioner proposes to provide is urgent—and crystal clear. This need is demonstrated by the twin crises of increasing levels of substance use disorders and related deaths, and severely limited capacity for treatment and access to care across Illinois, and in DuPage County specifically.

The national opioid crisis has received extensive news coverage over the past few years, and federal and local governments have focused efforts on addressing it. Yet the data are still astonishing, and opioid overdose death rates are still climbing in some areas of the country. The most recent data<sup>1</sup> from the US Centers for Disease Control and Prevention (CDC) show that 70,237 drug overdose deaths occurred in the United States in 2017. That is nearly 200 deaths **every day**. While the majority of these deaths (67.8%) involved opioids, people are dying from overdoses on a variety of drugs.

Illinois has had dramatic increases in overdoses, both fatal and non-fatal. The CDC identifies Illinois as one of the states where there was a “significant” increase in drug overdose death rates from 2016 to 2017.<sup>2</sup> The Illinois Department of Public Health (IDPH) data<sup>3</sup> show that there were 2,063 deaths from opioid-related overdoses in 2018, a 92% increase over deaths in 2013. Non-fatal overdoses increased by 135% in the same five-year period, to 13,616. While opioid use is increasing in every area of the state, Illinois has actually seen a *decrease* in treatment capacity. Following years of budget cuts, Illinois was first in the nation in decline in treatment capacity by 2012, the most recent year for which data are available.<sup>4</sup> Despite having the nation’s fifth largest population, Illinois had fallen to 44th, or 3rd worst in the nation, in treatment capacity.<sup>5</sup> The United States Substance Abuse and Mental Health Services Administration reported that in 2014, only 11.7% of individuals with substance use disorders in Illinois were able to access care.<sup>6</sup> Individuals with alcohol use disorders fared worse – only 5% were able to access care.<sup>7</sup>

DuPage County has seen high volumes of substance use-related incidents in recent years, like the rest of the State. In 2017 and 2018, according to IDPH, there were 286 opioid-related deaths – and 1,176 overdoses that did not result in death. DuPage was a leader in distributing Narcan to

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<sup>1</sup> Scholl L, Seth P, Kariisa M, Wilson N, Baldwin G. Drug and Opioid-Involved Overdose Deaths – United States, 2013-2017. *Morb Mortal Wkly Rep.* ePub: 21 December 2018.

<sup>2</sup> Scholl L, et. al, 2018

<sup>3</sup> Illinois Department of Public Health. Opioid Dashboard. <https://idph.illinois.gov/OpioidDataDashboard/>

<sup>4</sup> Kane-Willis, K.; Aviles, G; Barnett, D.; et. al, Diminishing capacity: The Heroin crisis and Illinois treatment in national perspective. Illinois Consortium on Drug Policy at Roosevelt University, Aug., 2015.

<sup>5</sup> Kane-Willis et. al., 2015

<sup>6</sup> Substance Abuse and Mental Health Services Administration. Behavioral Health Barometer: Illinois, 2015. HHS Publication No. SMA-16-Baro-2015-IL. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2015.

<sup>7</sup> Substance Abuse and Mental Health Services Administration.

first responders, an opportunity which those first responders embraced. But after time those first responders began to report that they were performing opioid overdose reversals on some of the same individuals repeatedly. What was needed was access to the appropriate levels of substance use disorders care that would help individuals escape the cycle and enter into recovery.

Yet with substantial numbers of opioid-related overdoses and deaths, access to treatment in DuPage County is very limited. Outside of hospitals, there are no medically monitored withdrawal management (detoxification) programs, and only limited availability of residential substance use care—especially for individuals whose families' resources to help them have been exhausted. DuPage residents needing these levels of care often must leave the county.

Haymarket Center itself, the Petitioner, served 376 DuPage County residents in 2017 and 2018 at its Cook County location, and more than 2,000 when Will, Kane, and Lake Counties are added. It is clear that **the DuPage County area has an urgent need for the programs the Petitioner intends to provide.**

# SUBSTANCE USE DISORDERS ACCESS TO CARE

Haymarket Center  
HOPE STARTS HERE

## 19.6 MILLION AMERICANS

had a Substance Use Disorder (SUD) in 2017<sup>1</sup>

The demographics now cut across sex, race, age and education levels.<sup>2</sup>

**74%**

of those suffer from an Alcohol Use Disorder. Excessive alcohol use results in 88,000 deaths per year.<sup>1</sup>

**38%**

of those suffer from a Substance Use Disorder. 100 people die every day in America from drug overdoses. This rate has tripled in the past 20 years.<sup>1</sup>

**46%**

Nearly half of all Americans have a personal connection to someone struggling with alcohol or drugs.<sup>2</sup>

## 8.7 MILLION CHILDREN

nationwide have a parent who suffers from a substance use disorder.<sup>3</sup>

ACCESS TO LIFE-SAVING TREATMENT  
IS URGENTLY NEEDED.

**In America only 19%** with SUD received treatment.<sup>4</sup>

**In Illinois only 5%** with alcohol use disorder **and 11.7%** with a substance use disorder received treatment.<sup>5</sup>

<sup>1</sup> 2017 NSDUH Annual National Report

<sup>2</sup> Pew Research Center, 2017 Study

<sup>3</sup> American Academy of Pediatrics, Opioid Fact Sheet

<sup>4</sup> Substance Abuse and Mental Health Services Administration. (2018) *Key Substance Use and Mental Health*

*Indicators in the*

*United States: Results from the 2017 National Survey on Drug Use and Health.*

<sup>5</sup> SAMHSA, Behavioral Health Barometer: Illinois, 2015

## OPIOID CRISIS ESCALATING

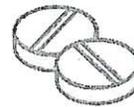
Deaths involving opioids have risen 544% since 1999<sup>6</sup> and occur every 11 minutes.<sup>7</sup>

Americans are now more likely to die due to an opioid overdose than in a motor vehicle accident.



**1 in 103**

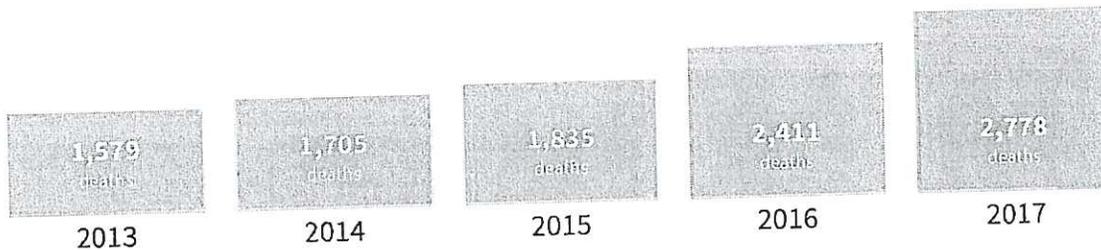
Chances of losing their life on the road



**1 in 96<sup>8</sup>**

Chances of losing their life during an opioid overdose

### Opioid deaths in Illinois, 2013-2017<sup>9</sup>



**DuPage County<sup>10</sup>**

**20+**  
overdose reversals  
every month

**81**  
overdose deaths  
in 2018

**WE NEED TO TAKE ACTION. HOPE STARTS HERE.**

<sup>6</sup> National Safety Council, 2019 Study  
<sup>7</sup> U.S. Center for Disease Control  
<sup>8</sup> Injury Facts, 2017 Study  
<sup>9</sup> National Safety Council, 2019 Study  
<sup>10</sup> DuPage County Coroner

# EXPANDING ACCESS TO LIFE-SAVING CARE

*Haymarket Center*  
HOPE STARTS HERE

**Haymarket Center** is one of the region's largest and most comprehensive providers of treatment for substance use disorders and mental health conditions. Founded in 1975 by Monsignor Ignatius McDermott and Dr. James West, Haymarket Center is a fully accredited non-profit organization that annually serves over 12,000 individuals from across Illinois.

Our individualized care ranges from outreach through recovery, adapted to suit each patient and their unique needs.

Our services go far beyond the scope of most treatment programs, including:

- Evidence-based, comprehensive interventions
- Medication Assisted Treatment (MAT)
- Psychiatry & counseling
- Recovery living
- Child care
- Parenting classes
- GED courses & job placement
- Partnerships that assure care coordination
- Recovery coaching

## Treatment that Works

An independent evaluation of a federally-funded recovery coaching program at Haymarket showed outstanding outcomes:



**87%**

with reduction in  
substance use



**64%**

decrease in mental  
health symptoms



**74%**

increase in clients  
employed

## Haymarket DuPage

### What is proposed for Haymarket DuPage?

The full continuum of substance use and mental health treatment for adults 18 and over will be available on site at our new behavioral health clinic, located in Itasca at the former Holiday Inn on the west side of Interstate 290 at Irving Park Road. The facility will undergo a \$1.5 million interior renovation and will be in full operation by 2021.

### How was DuPage County selected?

Since 2015, 339 people have died from an overdose and more than 600 overdoses have been reversed by the DuPage Narcan Program. As overdose fatalities and reversals continue to rise, so does the demand for our services.

Nearly 2,000 men and women from DuPage and the collar counties were patients at Haymarket clinics in 2017-2018.

### Why this location?

The building is easily accessible for individuals seeking services, located in an industrial area with ample parking and surrounding green space.

### A Community Partner in DuPage County



150+ New Jobs  
for Medical and  
Counseling Staff



Primary Care Clinic  
on site



Day Care on site for  
Children of Patients



Reduce Burden and Costs  
for Area Hospitals through  
Haymarket comprehensive  
services



Emergency Responders  
will have a Local Partner  
Ready to Help People  
with SUDs



Expansion of  
Partnership with  
DuPage Health  
Department and HOPE  
Task Force

For more information, please contact President and CEO, Dr. Dan Lustig, Psy D., MISA II, CAADC.  
312.226.7984

## Attachment C

### Holiday Inn Itasca Location Benefits

- The location is appropriate to the target service area
- Proximity to hospitals (Amita Health Systems)
- Located in a business (non-residential) zoned area with municipal services.
- Building layout and design supports comprehensive programming
- Accessibility to public transportation
- The Property and Improvements are:
  - available at an acceptable price
  - building improvements were recently remodeled (in 2013)
- Building is virtually turn-key
  - Includes all furniture, fixtures and equipment
  - Renovation timeline is approximately 120 days

**From:** Shannon Malik Jarmusz [mailto:smalikjarmusz@itasca.com]  
**Sent:** Wednesday, July 10, 2019 1:41 PM  
**To:** Roth, Michael  
**Subject:** [EXT] RE: Haymarket filings

**\*\*EXTERNAL EMAIL\*\***

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Mike –

My email to you on June 13<sup>th</sup> clarified that the deadline for the August Plan Commission meeting was July 5<sup>th</sup> and that we can offer a one week extension to July 12<sup>th</sup>. Our later June correspondence concerned Haymarket's request for a waiver of certain filing requirements listed in our Zoning Ordinance. We granted a waiver in response to some, but not all, of your requests. Our waiver of some of the requirements did not extend the deadline for the August Plan Commission meeting beyond July 12<sup>th</sup>, which is already 7 days past the normal deadline. If Haymarket is unable to submit the full application by July 12<sup>th</sup>, Haymarket will be removed from the August Plan Commission agenda. We can place you on the September 18<sup>th</sup> Plan Commission meeting agenda instead.

Thank you,  
Shannon

Shannon Malik Jarmusz, AICP  
Director of Community Development

Village of Itasca  
[smalikjarmusz@itasca.com](mailto:smalikjarmusz@itasca.com)  
630-228-5671

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**From:** Michael.Roth@icemiller.com <Michael.Roth@icemiller.com>  
**Sent:** Tuesday, July 09, 2019 3:02 PM  
**To:** Shannon Malik Jarmusz <smalikjarmusz@itasca.com>  
**Subject:** RE: Haymarket filings

Shannon, in your May 9, 2019 letter to me you said that the filing deadline was July 17<sup>th</sup>. I wrote to you on June 13<sup>th</sup> to clarify whether the filing deadline was the published July 5<sup>th</sup> date or July 17<sup>th</sup>. You responded that same day that it was the 5<sup>th</sup>, but that the Village can customarily offer a one week extension. But we did not understand that the filing deadline was actually extended to July 12<sup>th</sup>, because we were still working with you and Village counsel to determine which provisions of the zoning code were applicable or inapplicable to the Haymarket project, and which provisions the Village would consider Haymarket to be exempt or exempt in part given the nature of the Haymarket proposal and the absence of any exterior or structural change to the existing building.

Two of the filing issues were an economic impact statement and a full landscape plan. You responded by letter dated the 25<sup>th</sup> that those had to be filed so we sought consultants to help prepare those reports. With only 6 business days left before the filing deadline, we filed on time with the request that the planned development requirement be deemed inapplicable or waived, and if not, that at least the filing deadline for those two documents be waived.

We can submit the landscape plan and economic impact statement to the Village by July 18<sup>th</sup>. Please advise. Thanks.

Mike

Ice Miller

**Michael Roth**

Partner

Michael.Roth@icemiller.com

p 630-955-6594 f 630-955-4273

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Ice Miller LLP  
2300 Cabot Drive  
Suite 455  
Lisle, IL 60532

**From:** Shannon Malik Jarmusz [<mailto:smalikjarmusz@itasca.com>]  
**Sent:** Tuesday, July 09, 2019 8:49 AM  
**To:** Roth, Michael  
**Subject:** [EXT] RE: Haymarket filings

**\*\*EXTERNAL EMAIL\*\***

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Hi again, Mike-

Just a quick follow up question. We had extended the deadline for filing to this Friday, July 12<sup>th</sup>. In your July 5<sup>th</sup> letter, you indicated that the Landscape Plan and Economic Impact Analysis will be provided as soon as possible. Can you please confirm whether these will be arriving on or before close of business (4:30pm) this Friday, July 12<sup>th</sup>?

Thanks,  
Shannon

Shannon Malik Jarmusz, AICP  
Director of Community Development

Village of Itasca  
[smalikjarmusz@itasca.com](mailto:smalikjarmusz@itasca.com)  
630-228-5671



2300 Gabot Drive, Suite 455, Itasca, IL 60143-6053  
WRITER'S DIRECT NUMBER: (630) 955-6590  
DIRECT FAX: (630) 955-4273  
INTERNET: MICHAEL.ROTH@ICEMILLER.CO

*Via U.S. Mail and Electronic Mail to:*  
**Shannon Malik Jarmusz <smalikjarmusz@itasca.com>**

June 19, 2019

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

**RE: 860 W. Irving Park Road Zoning Proposal**

Dear Shannon:

When we last met on June 5, 2019, we reiterated our objection to the interpretation that the Haymarket DuPage proposal should be processed as a planned development for three principle reasons.

First, the “use” proposed for the property and exiting improvements is solely that of a “health center” as defined under the Village’s zoning ordinance. There is no other primary use, the occupancy proposed for the existing structure will not include dwelling units, as defined in the zoning ordinance, and the temporary and structured stay at the facility by patients will not constitute a residential use.

Second, there is no planned development of the property. The property is currently occupied by a hotel and the use will be converted from a hotel to a health center under single ownership. The site and exterior of the building, along with all landscaping and building elevations will not change. The only changes proposed will be in the use of the structure, and interior renovations. The purpose of a planned development, as stated in Section 14.12(1) is to “assure adequate standards for the development of residential neighborhoods; provide regulations to encourage a variety of dwelling types; insure adequate open space; provide for improved development design; protect residential areas from undue traffic congestion; protect residential areas from the intrusion of business, industrial and other land uses that may create

an adverse effect upon the living environment; and thus, promote the general welfare of the community.”

With the exception of the last portion to “promote the general welfare of the community,” the purpose of the planned development is wholly inapplicable. Again, there will not be any development of the property, there will not be mixed uses of the property, and there will not be any dwellings or residential areas located at the property.

Third, the Village’s characterization of Haymarket’s proposed use as a planned development, rather than a health center, imposes many additional, substantial, and unnecessary burdens on this project, Haymarket, and the individuals that need the services that Haymarket will provide.

During our discussion on June 5th, and in previous discussions, we stated that if, notwithstanding these objections, the Village requires a planned development for this project, then we are requesting confirmation that certain code provisions be deemed inapplicable, and that certain waivers or exemptions be given for this special use project as fair, appropriate and reasonable accommodations consistent with the Village’s general authority to waive or vary code requirements. We intend to provide the Village with relevant consultant reports and detailed information relating to the operations of the proposed health center, as well as a current, full-sized ALTA survey identifying existing site conditions and improvements. The Village has more details of the existing improvements in its building and permit files that Haymarket does not possess.

Haymarket recognizes that a Class I Site Plan is required in order to receive a special use for a health center at this location. In addition to the current ALTA survey mentioned above, and required documents to be attached to the petitions, we intend to present reports and information relating to the proposed health center use and operations, lighting, security, traffic and parking, and impact on neighboring property values.. Again, we believe that the plans showing the existing landscaping and building elevations to remain are unnecessary, inapplicable and should be waived for site plan review in this instance. Therefore, Haymarket asks for a waiver of the application requirements of a landscape plan and building elevations as provided in Section 14.13 – 3.g. and 14.13 – 3.i, respectively. Further, the related standards of the Class I Site Plan Review for Site and Building Design (Section 14.13 – 7.c.) and for Open Space and Landscaping (Section 14.13 -7.d.) should be waived for the same reasons.

We understood that you agreed that there are certain requirements that can be waived or for which an applicant can be exempted, but you requested that we send you a list of the provisions we request be waived, exempted and confirmed as inapplicable. Attachment “A” is that list, with respect to planned development requirements. Exhibit “B” is the list with respect to site plan requirements. To assist you in your review, I am transmitting to you a .pdf of the current ALTA survey and am also enclosing and a reduced size printed copy with this letter. I am also enclosing draft petitions for the special use and variance.

As I am sure you understand, the preparation of the detailed, itemized lists attached have taken valuable time and required significant effort. Your very prompt review and response is

needed in order for the Haymarket DuPage to meet its July 5, 2019 filing deadline. Thank you for your anticipated cooperation.

Very truly yours,

ICE MILLER LLP



Michael M. Roth

ATTACHMENT "A" (PLANNED DEVELOPMENT)

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption
(2)	This provision is inapplicable because there will be no subdivision, development, dwelling units or residential use, the building has been at the site for many years, and the only building and sole use will be a health center. Therefore, the requirement of a planned development is inapplicable. To the extent a planned development is applicable, the requirements should be waived or the planned development should be exempted.
(3)(a)	At our meeting on June 5, 2019, you stated that the requirement in this provision (3)(a) for the pre-application conference may should be deemed satisfied by our meetings with staff. I agreed that following the meeting and with the submittal of this listing, the applicant will provide a current ALTA survey showing the site and existing improvements, which we request will satisfy certain planned development requirements that the Village decides are applicable.
(4) (Preliminary Plan in general)	You agreed that the preliminary plan and final plans may be considered and decided simultaneously, and concurrently with the special use and site plan application.
(4)(a)(1)	The electronic and reduced paper copy of the current ALTA survey are attached. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt.
(4)(a)(2)	The electronic and reduced paper copy of the current ALTA survey are attached. Any further information or documentation required under this section is inapplicable because no development is proposed, and should be waived or the applicant should be deemed exempt.
(4)(a)(3)	This provision is inapplicable because there is no subdivision for this project or property. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption
(4)(a)(4)(a)(ii)	This provision is inapplicable for this project or property because there are no scenic views as the property is in a commercial district. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(a)(4)(a)(iii)	This provision is inapplicable because there is no wooded area for this project or property. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(a)(4)(a)(iv)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(a)(4)(a)(v)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(a)(4)(a)(vi)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(a)(4)(a)(vii)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The landscaping existing is the landscaping proposed. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(a)(4)(a)(viii)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The stormwater management existing is the stormwater management proposed. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption
(4)(a)(4)(b)	A current ALTA survey will be provided, along with the building plans for the interior of the existing building. This provision is otherwise inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The public utilities existing are the public utilities proposed. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(a)(4)(c)(iv)	A current ALTA survey detailing existing site conditions and improvements will be provided. Any further information or documentation is inapplicable and should be waived or the applicant should be exempt.
(4)(a)(5)(a)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. However, the electronic and reduced paper copy of the current ALTA survey are attached. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(a)(5)(b)	This provision is inapplicable because there is no development to take place for this project or property. The electronic and reduced paper copy of the current ALTA survey are attached. The building has been at the site for many years, and there is no residential use. The only site improvements will be the health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(a)(6)	This provision is inapplicable because there is no development to take place for this project or property. The electronic and reduced paper copy of the current ALTA survey are attached. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(a)(7)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. There is no residential use, and the only site improvements will be internal and used for the health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption
	exempt.
(4)(a)(8)	This provision is inapplicable because there is no development to take place for this project or property, there is no shopping center development planned, and the building has been at the site for many years. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(a)(9)	This provision is inapplicable because there is no development to take place for this project or property, the building has been at the site for many years, and therefore there are no engineer plans. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(b)	This provision is inapplicable because there is no development to take place for this project or property, the building has been at the site for many years. There is no residential use proposed, and the only site improvements will be internal and used for the health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(c)(3)	This provision is inapplicable because there is no development to take place for this project or property, the building has been at the site for many years and economic feasibility is not an appropriate consideration. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(c)(4)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The landscaping will remain as it currently is. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(4)(d)(1)	You agreed that the preliminary plan and final plans may be considered and decided simultaneously, and concurrently with the special use and site plan application. The electronic and reduced paper copy of the current ALTA survey are attached. Any further information or documentation required under this

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption
	section is inapplicable and should be waived or the applicant should be deemed exempt. There is no development to take place for this project or property and the building has been at the site for many years.
(4)(d)(3)	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.
(4)(e)	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.
(4)(f)	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.
(5) (generally)	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.
(5)(a)(1)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The land is not being subdivided into lots and the entire property will be a health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(5)(a)(3)	This provision is inapplicable because there is no subdivision or development to take place for this project or property. The entire property will be a health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(5)(a)(5)	A current ALTA survey detailing existing site conditions and improvements is being provided and any further information or documentation is inapplicable and should be waived or the applicant should be deemed exempt.
(5)(a)(6)	This provision is inapplicable because there is no development to take place for this project or property, the building has been at the site for many years and there will not be any dedication

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption
	of land. Therefore, this provision should be waived or the applicant should be deemed exempt
(5)(a)(7)	This provision is inapplicable because there the land is not being subdivided into lots, the entire property will be a health center, and there are no dwelling units at the property. Therefore, this provision should be waived or the applicant should be deemed exempt.
(5)(a)(8)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The landscaping will remain as it currently is. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(5)(a)(9)	This provision is inapplicable because there is no development to take place for this project or property and the building, with utilities has been at the site for many years. The utilities and drainage will remain as they currently are. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(5)(a)(10)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. There will be no covenants. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(5)(a)(11)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. There will be no deeds, easement agreement, or by-laws beyond the Haymarket DuPage LLC by-laws. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt
(5)(a)(12)	This provision is inapplicable because there is no development to take place for this project or property and no homeowner's, merchant's or industrial owner's association. Therefore, this provision should be waived or the applicant should be deemed exempt.

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption
(5)(a)(13), (14), and (15)	These provisions are inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Should the Village not agree, we believe that these provisions should be waived or the applicant should be deemed exempt.
(5)(b)	This provision is inapplicable because there is no development, public facilities or improvements to take place for this project or property and the building has been at the site for many years. Should the Village not agree, we believe that these provisions should be waived or the applicant should be deemed exempt.
(5)(c)	This provision is inapplicable because there is no common open space to take place for this project or property. Should the Village not agree, we believe that these provisions should be waived or the applicant should be deemed exempt.
(5)(d)	You agreed that the preliminary plan may be filed, considered and decided concurrently with the final plan and any special use application so as to not delay or prolong the review process.
(6)	This provision is inapplicable because there is no change or modification to an existing planned development.
(7)(a)(5)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Therefore, this provision should be waived or the applicant should be exempt.
(7)(a)(6)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. There is no mix of principle uses. There will be no private streets or common driveways. Should the Village not agree, we believe that these provisions should be waived or the applicant should be deemed exempt.
(7)(a)(7)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. Therefore, this provision should be waived or the applicant should be deemed exempt.
(7)(b)(1)-(4)	This provision is inapplicable because there are no dwelling units or residential land uses proposed. The property will only

Planned Development Section Citation within Section 14.12	Reasoning as to Waiver or Exemption
	be used as a health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(7)(c)	This provision is inapplicable because there are no dwelling units or residential land uses or cluster subdivision proposed. The property will only be used solely as a health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt..
(7)(d)	There is no development to take place for this project or property and the building has been at the site for many years. A current ALTA survey and traffic study are being provided and any further information or documentation is inapplicable and should be waived or the applicant should be exempt.
(7)(e)(1)	This provision is inapplicable because there is no development proposed for the property, there are no dwelling units or proposed residential land uses, the building has been at the site for many years, and the property will only be used as a health center. The existing improvements are either already approved by variance or are legal non-conforming conditions that may continue. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(7)(e)(2)	This provision is inapplicable because there is no development proposed for the property, the building has been at the site for many years, and the property will only be used as a health center. The existing improvements are either already approved by bulk variances or are legal non-conforming conditions that may continue. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
(7)(e)(3)	This provision is inapplicable because there is no development proposed for the property, there are no industrial areas proposed. The property will only be used as a health center. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.



ATTACHMENT "B" (SITE PLAN)

Site Plan Section Citation within Section 14.13	Reasoning as to Waiver or Exemption
(1)	To the extent that this provision is applicable to development of vacant land or redevelopment of improved land, Site Plan review is inapplicable because there is no development proposed for the property, the building has been at the site for many years, and the property will only be used as a health center. The existing improvements are either already approved by bulk variances or are legal non-conforming conditions that may continue. The electronic and reduced paper copy of the current ALTA survey are attached. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt.
(2)	Class I site plan is applicable, if any.
3(a)	Applicable information will be provided with the special use application.
3(b)	This provision is inapplicable because no development is proposed and the site improvements have existing for many years. the property will only be used as a health center. The existing improvements are either already approved by variance or are legal non-conforming conditions that may continue. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
3(e)	This provision is inapplicable because no development is proposed and the site improvements have existing for many years. the property will only be used as a health center. The existing improvements are either already approved by variance or are legal non-conforming conditions that may continue. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
3(f)	The electronic and reduced paper copy of the current ALTA survey are attached. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt. No development is proposed and the site improvements have existing for many years. the property will only be used as a health center.

3(g)	The electronic and reduced paper copy of the current ALTA survey are attached. The landscaping will remain as it currently is. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt. No development is proposed and the site improvements have existing for many years. the property will only be used as a health center.
3(i)	The electronic and reduced paper copy of the current ALTA survey are attached. No development is proposed and the site improvements have existing for many years. The site and exterior of the building, along with all landscaping and building elevations will not change. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt.
7(c)	The electronic and reduced paper copy of the current ALTA survey are attached. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt. No development is proposed and the site improvements have existing for many years. the property will only be used as a health center.
7(d)	This provision is inapplicable because there is no development to take place for this project or property and the building has been at the site for many years. The landscaping existing is the landscaping proposed. Should the Village not agree, we believe that this provision should be waived or the applicant should be deemed exempt.
7(e)	Applicant will comply to the extent that these provisions are applicable even though no development of vacant land or redevelopment of improved land is occurring. For example, we will provide the Village with a traffic and parking report. However, the building has been at the site for many years, and the property will be used solely as a health center under single ownership. The existing improvements are either already approved by bulk variances or are legal non-conforming conditions that may continue. The electronic and reduced paper copy of the current ALTA survey detailing existing site conditions and improvements are attached. Any further information or documentation required under this section is inapplicable and should be waived or the applicant should be deemed exempt.

**PETITION FOR SPECIAL USE**

Village of Itasca Plan Commission  
c/o Community Development Department  
550 W. Irving Park Rd.  
Itasca, IL 60143  
(Ph): 630-773-5568 (F): 630-773-0852  
[comdevitasca.com](http://comdevitasca.com)

Date Submitted: \_\_\_\_\_

**ALL ITEMS MUST BE COMPLETE TO PROCESS APPLICATION**

Address(es) of Property: 860 W. Irving Park Rd.

Owner(s) of Property: Pearl Hospitality LLC, an Illinois limited liability company

Petitioner(s) (if other than owners): Haymarket DuPage LLC, an Illinois limited liability company

Existing Use: hotel

Zoning: B-2

P.I.N. #(s): 03-07-202-002

Lot Size (sq. ft.): 304,920

Please answer the following questions (you may attached additional sheets if needed):

1. Please provide a detailed description of the use requested.

The request is for approval of a special use for a health center under Section 8.04.2.m of the Itasca Zoning Ordinance. Health Centers (Healthcare Facilities) include "clinics" and "hospitals" such as that proposed. The Petitioner will operate and maintain the existing building and facilities on the subject property without new site development, other than interior renovation. There will be no change to the height, size or location of existing structures.

The Petitioner will provide diagnosis, treatment, and recovery support for persons disabled by substance use and mental health disorders who voluntarily seek care. Services will include inpatient, outpatient, and recovery programming, as described in detail in Attachment A.

2. Please explain how the special use requested is in the interest of the public and is not solely for the interest of the applicant.

Attachment B details the urgent public need for the access to substance use disorder and mental health care the Petitioner provides. Petitioner is an Illinois not for profit organization delivering services according to a public benefit mission and obtains no benefit to itself.

3. Explain the reasons why the special use is necessary or desirable for the public convenience and how it will contribute to the general welfare of the neighborhood or community at this location.

The special use is necessary and desirable for the public convenience due to the rapid and widespread growth of the life threatening health and safety problem here in DuPage, as well as in Illinois and the rest of the country —as explained in more detail in Attachment "B." The special use will contribute to the general welfare of the community because this location offers the Petitioner the ability to improve access to treatment and recovery services that are

needed in DuPage County. This particular site is appropriate for the reasons stated in response to #4.

Itasca's zoning ordinance presents a hardship and impediment to community access to needed treatment because the zoning regulations exclude health centers, including clinics and hospitals, from all but the Village's one regional office center, except as allowed by special use permit. The grant of the requested special use at this location would be a reasonable accommodation in favor of individuals in need of the Petitioner's services. The hardship that the Petitioner—and those individuals needing care—would suffer by the denial of the Petition outweighs any gain to the public by refusing the Petition.

The current owners of the subject property have found that, for several reasons, subject site is not economically viable for continued use as zoned and used for hotel purposes.

4. Will the special use be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity? Please explain your answer.

No. The very purpose of the special use proposed is to provide a benefit to the public health, safety, and welfare.

As a permitted special use in the B-2 zoning district, it is presumed that health care center is a compatible use, if reasonable, special precautions are taken. The inclusion of health care centers as special uses in the B-2 zoning district is tantamount to the Village's finding that health care centers are in harmony with the Village's general zoning plan and will not adversely affect the neighborhood.

The existing building and improvements is perfectly suited to the Petitioner's proposed use. There will be no change to the height, size or location of the existing hotel structure. The medical facility in the existing commercial building is compatible with the existing office, commercial and industrial uses in the immediate vicinity of the subject property. Traffic, lighting, utilities, storm water management and other aspects of the proposed land use are appropriate for this location. Existing uses and zoning of nearby property, and property values, will not be negatively impacted by the special use proposed by Petitioner. See also attachment "C" explaining why this location is appropriate.

5. What effect will the use have on property values and improvements in the vicinity? Please explain your answer.

No negative effect. See response to #4 above.

Owner's Name(s): Pearl Hospitality LLC, an Illinois limited liability company

Address: 1375 Remington Rd., Suite E  
Schaumburg, IL 60173

Phone: (847) 772-8859

Email: \_\_\_\_\_

Petitioner's Name(s): Haymarket DuPage LLC

Address(es): c/o McDermott Center NFP

Phone: (312) 226-7984

932 W. Washington Blvd, Chicago, IL 60607

Email: Karen Kissel <KKisselhcenter.org>

Agent or Attorney (if applicable)

Name: Michael Roth

Firm: Ice Miller LLP

Address: 2300 Cabot Drive, suite 455  
Lisle, IL 60532

Phone: (630) 955-6594

Email: michael.roth@icemiller.com

Site Planner or Engineer (if applicable)

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Please attach the following:

- o Legal description of property (from title policy or plat of survey) — required for all variances.
- o Current plat of survey (showing all site improvements/structures and easements).
- o ~~Architectural renderings of new or altered structures (if applicable).~~ Floor plan
- o ~~Site Plan 6/2019 ALTA SURVEY~~ (drawn to scale showing buildings, parking spaces, storm-water detention detailed elevations and all other significant data with all pertinent dimensions fully noted).
- o If held in trust, letter naming all beneficiaries of the trust and authorizing the below signed person to act on the matters related to the petition request. The letter must be signed by all beneficiaries of the trust.

THE LEGAL TITLEHOLDER MUST SIGN THE PETITION. Where the property is held in trust, the trust officer must sign the petition and include a letter naming all beneficiaries of the trust and authorizing the below signed person to act on the matters related to this petition request. The undersigned acknowledges and agrees that this application and all documentation submitted becomes public record and may be viewed by the public.

I/WE \_\_\_\_\_ DO HEREBY CERTIFY OR AFFIRM THAT I/WE ARE THE OWNER(S) OF RECORD OF THE AFORESAID DESCRIBED PROPERTY AND HEREBY MADE APPLICATION AS SUCH.

Signature: \_\_\_\_\_

SUBSCRIBED AND SWORN TO

BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

NOTARY PUBLIC

## Attachment A

The Petitioner requests approval for a special use under Section 8.04.2.m of The Village of Itasca, Illinois Zoning Ordinance (Zoning Ordinance): “Health centers, including clinics and hospitals.”

The Petitioner proposes to operate a health center with a range of medical and clinical services, maintaining the existing building and facilities on the identified property with no change to the height, size, or location of the existing hotel structure and with no new site development. Planned interior renovations will be to convert some current guest rooms to group counseling rooms, clinical and medical staff offices, and nurse stations; to expand the recreation center; and to fill in the pool to establish a primary care clinic. Existing hotel rooms that are not renovated as described will be used for patient care. No room is a “Dwelling” or “Dwelling Unit,” as defined in the Zoning Ordinance (pages 3-13 through 3-14), nor will become a “Dwelling” or “Dwelling Unit” through renovation or use.

The health center will be licensed by the Illinois Department of Human Services for a continuum of substance use disorder treatment services for adult males and females, ages 18 and older, under Title 77 Illinois Administrative Code Rule 2060 and as further described by the American Society of Addiction Medicine.<sup>1</sup>

The continuum of services will include the following:

- Assessment/diagnosis.
- Crisis stabilization, with stays up to seven days. Crisis stabilization will be staffed with licensed clinical staff and a registered nurse or licensed practical nurse at least 40 hours per week and with additional staff 24 hours per day, seven days per week, 365 days per year.
- Medically monitored withdrawal management (detoxification), with usual stays of three to five days. Withdrawal management units are staffed with nurse practitioners or physician assistants, registered nurses and/or licensed practical nurses 24 hours per day, seven days per week, 365 days per year. Additional staff include Illinois Certification Board-certified counselors.
- Clinically managed high-intensity residential substance use disorders treatment, with separate programs for men and women. Residential programs will have usual lengths of stay, depending on the specialized program, of up to 7, 14, 28, or 90 days. Residential substance use disorders programs are staffed with registered nurses or licensed practical nurses and Illinois Certification Board-certified or licensed counselors at least 40 hours per week and with additional program staff 24 hours per day, seven days per week, 365 days per year.
- Outpatient substance use disorders treatment. Outpatient programs are staffed with Illinois Certification Board-certified or licensed counselors, as well as with case managers.

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<sup>1</sup> The American Society of Addiction Medicine, *The ASAM Criteria: Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions*, Third Edition. 2013.

- Recovery home programs with separate programs for men and women. Recovery home stays will usually be 90 days but may be up to 365 days. Recovery Homes, as defined by Title 77 Illinois Administrative Code Rule 2060, are “alcohol and drug free housing components whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons who exhibit treatment resistance, relapse potential and/or lack of suitable recovery living environments or who recently have completed substance abuse treatment services or who may be receiving such treatment services at another licensed facility.” Rule 2060 requires Recovery Homes to have certified staff and structure including at least five group sessions per week. In Petitioner’s model, certified staff are on the unit 24 hours per day, seven days per week, 365 days per year. Petitioner’s model also includes requirements that Recovery Home clients provide weekly schedules and inform staff of all movement external to the building, and sign in and out every time they enter or leave the unit.

All programs with stays over night or longer will have two patients per room.

All clinical services will be delivered according to individualized treatment plans signed by Petitioner’s medical director, who is a board-certified physician. All patients or clients in all programs will be subject to random drug testing at least twice per week. Medications for all patients or clients in any residential unit, including recovery homes, will be surrendered to staff, logged, and kept in a locked cabinet in a locked office. Patients and clients will be observed taking their medications at the prescribed intervals, and staff members document medication observation in the client’s electronic health record.

A medical clinic will be located on the main floor. Patients whose medical needs exceed the capacity of the medical clinic, or who have their own physicians, will be transported by Petitioner’s staff to other medical care, unless there is a medical emergency. Petitioner will have signed linkage agreements with local hospitals, primary care clinics, and other service providers.

Psychiatry and psychological services will be available throughout the facility for patients with co-occurring mental disorders. These will include on site as well as telepsychiatry and licensed clinicians on site who will conduct clinical groups and individual counseling.

Petitioner will provide, or arrange for provision of, additional services that will enhance the structure of the facility programming and enhance the ability of patients to maintain long term recovery. These services include:

- Child care for children up to age five who may be in residence with their mothers or during outpatient treatment
- Parenting education
- Fatherhood programming
- GED preparation classes
- Job readiness and job placement services
- Health education
- Linkage to care and care coordination for individuals with chronic health conditions

The facility will have security 24 hours per day, seven days per week, 365 days per year of a type and amount similar to that provided at hospitals. All individuals accessing treatment units, whether to visit or for receiving care, will be subject to a routine search by security staff.

Petitioner expects to employ 163 full time staff that will include medical, clinical, program support, administrative, security, housekeeping, janitorial, and food preparation/service.

## Attachment "B"

The need for the services the Petitioner proposes to provide is urgent—and crystal clear. This need is demonstrated by the twin crises of increasing levels of substance use disorders and related deaths, and severely limited capacity for treatment and access to care across Illinois, and in DuPage County specifically.

The national opioid crisis has received extensive news coverage over the past few years, and federal and local governments have focused efforts on addressing it. Yet the data are still astonishing, and opioid overdose death rates are still climbing in some areas of the country. The most recent data<sup>2</sup> from the US Centers for Disease Control and Prevention (CDC) show that 70,237 drug overdose deaths occurred in the United States in 2017. That is nearly 200 deaths every day. While the majority of these deaths (67.8%) involved opioids, people are dying from overdoses on a variety of drugs.

Illinois has had dramatic increases in overdoses, both fatal and non-fatal. The CDC identifies Illinois as one of the states where there was a “significant” increase in drug overdose death rates from 2016 to 2017.<sup>3</sup> The Illinois Department of Public Health (IDPH) data<sup>4</sup> show that there were 2,063 deaths from opioid-related overdoses in 2018, a 92% increase over deaths in 2013. Non-fatal overdoses increased by 135% in the same five-year period, to 13,616. While opioid use is increasing in every area of the state, Illinois has actually seen a *decrease* in treatment capacity. Following years of budget cuts, Illinois was first in the nation in decline in treatment capacity by 2012, the most recent year for which data are available.<sup>5</sup> Despite having the nation’s fifth largest population, Illinois had fallen to 44th, or 3rd worst in the nation, in treatment capacity.<sup>6</sup> The United States Substance Abuse and Mental Health Services Administration reported that in 2014, only 11.7% of individuals with substance use disorders in Illinois were able to access care.<sup>7</sup> Individuals with alcohol use disorders fared worse – only 5% were able to access care.<sup>8</sup>

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<sup>2</sup> Scholl L, Seth P, Kariisa M, Wilson N, Baldwin G. Drug and Opioid-Involved Overdose Deaths – United States, 2013-2017. *Morb Mortal Wkly Rep.* ePub: 21 December 2018.

<sup>3</sup> Scholl L, et. al, 2018

<sup>4</sup> Illinois Department of Public Health. Opioid Dashboard. <https://idph.illinois.gov/OpioidDataDashboard/>

<sup>5</sup> Kane-Willis, K.; Aviles, G; Barnett, D.; et. al, Diminishing capacity: The Heroin crisis and Illinois treatment in national perspective. Illinois Consortium on Drug Policy at Roosevelt University, Aug., 2015.

<sup>6</sup> Kane-Willis et. al., 2015

<sup>7</sup> Substance Abuse and Mental Health Services Administration. Behavioral Health Barometer: Illinois, 2015. HHS Publication No. SMA-16-Baro-2015-IL. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2015.

<sup>8</sup> Substance Abuse and Mental Health Services Administration.

DuPage County has seen high volumes of substance use-related incidents in recent years, like the rest of the State. In 2017 and 2018, according to IDPH, there were 286 opioid-related deaths – and 1,176 overdoses that did not result in death. DuPage was a leader in distributing Narcan to first responders, an opportunity which those first responders embraced. But after time those first responders began to report that they were performing opioid overdose reversals on some of the same individuals repeatedly. What was needed was access to the appropriate levels of substance use disorders care that would help individuals escape the cycle and enter into recovery.

Yet with substantial numbers of opioid-related overdoses and deaths, access to treatment in DuPage County is very limited. Outside of hospitals, there are no medically monitored withdrawal management (detoxification) programs, and only limited availability of residential substance use care—especially for individuals whose families’ resources to help them have been exhausted. DuPage residents needing these levels of care often must leave the county.

Haymarket Center itself, the Petitioner, served 376 DuPage County residents in 2017 and 2018 at its Cook County location, and more than 2,000 when Will, Kane, and Lake Counties are added. **It is clear that the DuPage County area has an urgent need for the programs the Petitioner intends to provide.**

# SUBSTANCE USE DISORDERS ACCESS TO CARE

Haymarket Center  
HOPE STARTS HERE

## 19.6 MILLION AMERICANS

had a Substance Use Disorder (SUD) in 2017<sup>1</sup>

The demographics now cut across sex, race, age and education levels.<sup>2</sup>

74%

of those suffer from an Alcohol Use Disorder. Excessive alcohol use results in 88,000 deaths per year.<sup>1</sup>

38%

of those suffer from a Substance Use Disorder. 100 people die every day in America from drug overdoses. This rate has tripled in the past 20 years.<sup>1</sup>

46%

Nearly half of all Americans have a personal connection to someone struggling with alcohol or drugs.<sup>2</sup>

## 8.7 MILLION CHILDREN

nationwide have a parent who suffers from a substance use disorder.<sup>3</sup>

### ACCESS TO LIFE-SAVING TREATMENT IS URGENTLY NEEDED.

In America only 19% with SUD received treatment.<sup>4</sup>  
In Illinois only 5% with alcohol use disorder and 11.7% with a substance use disorder received treatment.<sup>5</sup>

<sup>1</sup> 2017 NSDUH Annual National Report

<sup>2</sup> Pew Research Center, 2017 Study

<sup>3</sup> American Academy of Pediatrics, Opioid Fact Sheet

<sup>4</sup> Substance Abuse and Mental Health Services Administration. (2018) Key Substance Use and Mental Health Indicators in the United States: Results from the 2017 National Survey on Drug Use and Health.

<sup>5</sup> SAMHSA, Behavioral Health Barometer: Illinois, 2015

## OPIOID CRISIS ESCALATING

Deaths involving opioids have risen 544% since 1999<sup>6</sup> and occur every 11 minutes.<sup>7</sup>

Americans are now more likely to die due to an opioid overdose than in a motor vehicle accident.



**1 in 103**

Chances of losing their life on the road



**1 in 96<sup>8</sup>**

Chances of losing their life during an opioid overdose

### Opioid deaths in Illinois, 2013-2017<sup>9</sup>



DuPage County<sup>10</sup>

**20+**  
overdose reversals  
every month

**81**  
overdose deaths  
in 2018

**WE NEED TO TAKE ACTION. HOPE STARTS HERE.**

<sup>6</sup> National Safety Council, 2019 Study  
<sup>7</sup> U.S. Centers for Disease Control  
<sup>8</sup> Injury Facts, 2017 Study  
<sup>9</sup> National Safety Council, 2019 Study  
<sup>10</sup> DuPage County Coroner

# EXPANDING ACCESS TO LIFE-SAVING CARE

*Haymarket Center*  
HOPE STARTS HERE

**Haymarket Center** is one of the region's largest and most comprehensive providers of treatment for substance use disorders and mental health conditions. Founded in 1975 by Monsignor Ignatius McDermott and Dr. James West, Haymarket Center is a fully accredited non-profit organization that annually serves over 12,000 individuals from across Illinois.

**Our individualized care ranges from outreach through recovery**, adapted to suit each patient and their unique needs.

Our services go far beyond the scope of most treatment programs, including:

- Evidence-based, comprehensive interventions
- Medication Assisted Treatment (MAT)
- Psychiatry & counseling
- Recovery living
- Child care
- Parenting classes
- GED courses & job placement
- Partnerships that assure care coordination
- Recovery coaching

## Treatment that Works

An independent evaluation of a federally-funded recovery coaching program at Haymarket showed outstanding outcomes:



**87%**  
with reduction in  
substance use



**64%**  
decrease in mental  
health symptoms



**74%**  
increase in clients  
employed

## Haymarket DuPage

### What is proposed for Haymarket DuPage?

The full continuum of substance use and mental health treatment for adults 18 and over will be available on site at our new behavioral health clinic, located in Itasca at the former Holiday Inn on the west side of Interstate 290 at Irving Park Road. The facility will undergo a \$1.5 million interior renovation and will be in full operation by 2021.

### How was DuPage County selected?

Since 2015, 339 people have died from an overdose and more than 600 overdoses have been reversed by the DuPage Narcan Program. As overdose fatalities and reversals continue to rise, so does the demand for our services.

Nearly 2,000 men and women from DuPage and the collar counties were patients at Haymarket clinics in 2017-2018.

### Why this location?

The building is easily accessible for individuals seeking services, located in an industrial area with ample parking and surrounding green space.

### A Community Partner in DuPage County



150+ New Jobs  
for Medical and  
Counseling Staff



Primary Care Clinic  
on site



Day Care on site for  
Children of Patients



Reduce Burden and Costs  
for Area Hospitals through  
Haymarket comprehensive  
services



Emergency Responders  
will have a Local Partner  
Ready to Help People  
with SUDs



Expansion of  
Partnership with  
DuPage Health  
Department and HOPE  
Task Force

For more information, please contact: President and CEO, Dr. Dan Lustig, Psy.D., MISA II, CAADC  
312.226 7984

## Attachment C

### Holiday Inn Itasca Location Benefits

- The location is appropriate to the target service area
- Proximity to hospitals (Amita Health Systems)
- Located in a business (non-residential) zoned area with municipal services.
- Building layout and design supports comprehensive programming
- Accessibility to public transportation
- The Property and Improvements are:
  - available at an acceptable price
  - building improvements were recently remodeled (in 2013)
- Building is virtually turn-key
  - Includes all furniture, fixtures and equipment
  - Renovation timeline is approximately 120 days

**PETITION FOR SPECIAL USE**

Village of Itasca Plan Commission  
c/o Community Development Department  
550 W. Irving Park Rd.  
Itasca, IL 60143  
(Ph): 630-773-5568 (F): 630-773-0852  
comdevitasca.com

Date Submitted: \_\_\_\_\_

**ALL ITEMS MUST BE COMPLETE TO PROCESS APPLICATION**

Address(es) of Property: 860 W. Irving Park Rd.

Owner(s) of Property: Pearl Hospitality LLC, an Illinois limited liability company

Petitioner(s) (if other than owners): Haymarket DuPage LLC, an Illinois limited liability company

Existing Use: hotel Zoning: B-2

P.I.N. #(s): 03-07-202-002 Lot Size (sq. ft.): 304,920

Please answer the following questions (you may attach additional sheets if needed):

1. Please provide a detailed description of the use requested.

The request is for approval of a planned development under Section 14.12 of the Itasca Zoning Ordinance to permit a health center under Section 8.04.2.m of the Itasca Zoning Ordinance. Health Centers (Healthcare Facilities) include "clinics" and "hospitals" such as that proposed. The Petitioner will operate and maintain the existing building and facilities on the subject property without new site development, other than interior renovation. There will be no change to the height, size, or location of existing structures.

The Petitioner will provide diagnosis, treatment, and recovery support for persons disabled by substance use and mental health disorders who voluntarily seek care. Services will include inpatient, outpatient, and recovery programming, as described in detail in Attachment A.

Petitioner requests the exceptions to the special use planned development standards and to the required site plan standards as stated in Attachment D.

2. Please explain how the special use requested is in the interest of the public and is not solely for the interest of the applicant.

Attachment B details the urgent public need for the access to substance use disorder and mental health care the Petitioner provides. Petitioner is an Illinois not for profit organization delivering services according to a public benefit mission and obtains no benefit to itself. See Attachment C explaining why this location is appropriate.

3. Explain the reasons why the special use is necessary or desirable for the public convenience and how it will contribute to the general welfare of the neighborhood or community at this location.

The special use is necessary and desirable for the public convenience due to the rapid and widespread growth of the life threatening health and safety problem here in DuPage, as well as in

Illinois and the rest of the country—as explained in more detail in Attachment B. The special use will contribute to the general welfare of the community because this location offers the Petitioner the ability to improve access to treatment and recovery services that are needed in DuPage County. This particular site is appropriate for the reasons stated in response to #4, below.

Itasca's zoning ordinance presents a hardship and impediment to community access to needed treatment because the zoning regulations exclude health centers, including clinics and hospitals, from all but the Village's one regional office center, except as allowed by special use permit. Further, Itasca's zoning director's letter dated May 9, 2019 stating that a planned development must be approved for the proposed health center.<sup>1</sup> The proposed use and occupancy of the subject property will promote the public health, safety and general welfare of the community and DuPage County as a whole. The grant of the requested special use at this location would be a reasonable accommodation in favor of individuals in need of the Petitioner's services. The hardship that the Petitioner—and those individuals needing care—would suffer by the denial of the Petition outweighs any gain to the public by refusing the Petition.

The current owners of the subject property have found that, for several reasons, the subject site and improvements are not economically viable for continued use as zoned and improved for hotel purposes.

4. Will the special use be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity? Please explain your answer.

No. The very purpose of the special use proposed is to provide a benefit to the public health, safety, and welfare.

As a special use for a planned development as a health center in the B-2 zoning district, it is presumed that a health care center is a compatible use, if reasonable, special precautions are taken. The inclusion of health care centers as special uses in the B-2 zoning district is tantamount to the Village's finding that health care centers are in harmony with the Village's general zoning plan and will not adversely affect the neighborhood.

The existing building and improvements is perfectly suited to the Petitioner's proposed use. There will be no change to the height, size or location of the existing hotel structure. The health center in the existing commercial building is compatible with the existing office, commercial and industrial uses in the immediate vicinity of the subject property. Traffic, lighting, utilities, storm water management and other aspects of the proposed land use are appropriate for this location. Existing uses and zoning of nearby property, and property values, will not be negatively impacted by the special use proposed by Petitioner.

5. What effect will the use have on property values and improvements in the vicinity? Please explain your answer.

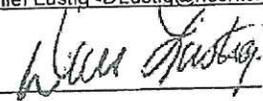
No negative effect. See response to #4 above.

---

<sup>1</sup> The application of Itasca's zoning ordinance so as to require a planned development special use imposes additional requirements and standards that present a hardship and impediment to community access to needed treatment. The Petitioner's use of the Property as a health center is permitted as a special use pursuant to the current zoning. (See Section 3.02 and Section 8.04.2.m.) There will not be multiple primary uses of the Property, there will be no dwellings, and there will be no dwelling units, as defined by the Itasca zoning ordinance (see Section 3.02), at the Property.

Owner's Name(s): Pearl Hospitality LLC, an Illinois limited liability company  
Address: 1375 Remington Rd., Suite E Phone: (847) 772-8859  
Schaumburg, IL 60173  
Email: \_\_\_\_\_

Petitioner's Name(s): Haymarket DuPage LLC Phone: (312) 226-7984  
Address(es): c/o McDermott Center NFP Email: Dr. Daniel Lustig <DLustig@hcenter.org>  
932 W. Washington Blvd, Chicago, IL 60607

Signature: \_\_\_\_\_  


Agent or Attorney (if applicable)

Name: Michael Roth  
Firm: Ice Miller LLP  
Address: 2300 Cabot Drive, suite 455  
Lisle, IL 60532  
Phone: (630) 955-6594  
Email: michael.roth@icemiller.com

Site Planner or Engineer (if applicable)

Name: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Please attach the following:

- Legal description of property (from title policy or plat of survey) — required for all variances.
- Current plat of survey (showing all site improvements/structures and easements).
- Architectural renderings of new or altered structures (if applicable).
- Site Plan (drawn to scale showing buildings, parking spaces, storm water detention and all other significant data with all pertinent dimensions fully noted).
- If held in trust, letter naming all beneficiaries of the trust and authorizing the below signed person to act on the matters related to the petition request. The letter must be signed by all beneficiaries of the trust.

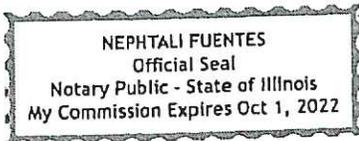
THE LEGAL TITLEHOLDER MUST SIGN THE PETITION. Where the property is held in trust, the trust officer must sign the petition and include a letter naming all beneficiaries of the trust and authorizing the below signed person to act on the matters related to this petition request. The undersigned acknowledges and agrees that this application and all documentation submitted becomes public record and may be viewed by the public.

I/WE \_\_\_\_\_ DO HEREBY CERTIFY OR AFFIRM THAT I/WE ARE THE OWNER(S) OF RECORD OF THE AFORESAID DESCRIBED PROPERTY AND HEREBY MADE APPLICATION AS SUCH.

Signature: 

SUBSCRIBED AND SWORN TO  
BEFORE ME THIS 1st DAY OF July, 2019

NOTARY PUBLIC  

## Attachment A

The Petitioner requests approval for a special use under Section 8.04.2.m of The Village of Itasca, Illinois Zoning Ordinance (Zoning Ordinance): “Health centers, including clinics and hospitals.”

The Petitioner proposes to operate a health center with a range of medical and clinical services, maintaining the existing building and facilities on the identified property with no change to the height, size, or location of the existing hotel structure and with no new site development. Planned interior renovations will be to convert some current guest rooms to group counseling rooms, clinical and medical staff offices, and nurse stations; to expand the recreation center; and to fill in the pool to establish a primary care clinic. Existing hotel rooms that are not renovated as described will be used for patient care. No room is a “Dwelling” or “Dwelling Unit,” as defined in the Zoning Ordinance (pages 3-13 through 3-14), nor will become a “Dwelling” or “Dwelling Unit” through renovation or use.

The health center will be licensed by the Illinois Department of Human Services for a continuum of substance use disorder treatment services for adult males and females, ages 18 and older, under Title 77 Illinois Administrative Code Rule 2060 and as further described by the American Society of Addiction Medicine.<sup>1</sup>

The continuum of services will include the following:

- Assessment/diagnosis.
- Crisis stabilization, with stays up to seven days. Crisis stabilization will be staffed with licensed clinical staff and a registered nurse or licensed practical nurse at least 40 hours per week and with additional staff 24 hours per day, seven days per week, 365 days per year.
- Medically monitored withdrawal management (detoxification), with usual stays of three to five days. Withdrawal management units are staffed with nurse practitioners or physician assistants, registered nurses and/or licensed practical nurses 24 hours per day, seven days per week, 365 days per year. Additional staff include Illinois Certification Board-certified counselors.
- Clinically managed high-intensity residential substance use disorders treatment, with separate programs for men and women. Residential programs will have usual lengths of stay, depending on the specialized program, of up to 7, 14, 28, or 90 days. Residential substance use disorders programs are staffed with registered nurses or licensed practical nurses and Illinois Certification Board-certified or licensed counselors at least 40 hours per week and with additional program staff 24 hours per day, seven days per week, 365 days per year.
- Outpatient substance use disorders treatment. Outpatient programs are staffed with Illinois Certification Board-certified or licensed counselors, as well as with case managers.

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<sup>1</sup> The American Society of Addiction Medicine, *The ASAM Criteria: Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions*, Third Edition. 2013.

- Recovery home programs with separate programs for men and women. Recovery home stays will usually be 90 days but may be up to 365 days. Recovery Homes, as defined by Title 77 Illinois Administrative Code Rule 2060, are “alcohol and drug free housing components whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons who exhibit treatment resistance, relapse potential and/or lack of suitable recovery living environments or who recently have completed substance abuse treatment services or who may be receiving such treatment services at another licensed facility.” Rule 2060 requires Recovery Homes to have certified staff and structure including at least five group sessions per week. In Petitioner’s model, certified staff are on the unit 24 hours per day, seven days per week, 365 days per year. Petitioner’s model also includes requirements that Recovery Home clients provide weekly schedules and inform staff of all movement external to the building, and sign in and out every time they enter or leave the unit.

All programs with stays over night or longer will have two patients per room.

All clinical services will be delivered according to individualized treatment plans signed by Petitioner’s medical director, who is a board-certified physician. All patients or clients in all programs will be subject to random drug testing at least twice per week. Medications for all patients or clients in any residential unit, including recovery homes, will be surrendered to staff, logged, and kept in a locked cabinet in a locked office. Patients and clients will be observed taking their medications at the prescribed intervals, and staff members document medication observation in the clients electronic health record.

A medical clinic will be located on the main floor. Patients whose medical needs exceed the capacity of the medical clinic, or who have their own physicians, will be transported by Petitioner’s staff to other medical care, unless there is a medical emergency. Petitioner will have signed linkage agreements with local hospitals, primary care clinics, and other service providers.

Psychiatry and psychological services will be available throughout the facility for patients with co-occurring mental disorders. These will include on site as well as telepsychiatry and licensed clinicians on site who will conduct clinical groups and individual counseling.

Petitioner will provide, or arrange for provision of, additional services that will enhance the structure of the facility programming and enhance the ability of patients to maintain long term recovery. These services include:

- Child care for children up to age five who may be in residence with their mothers or during outpatient treatment
- Parenting education
- Fatherhood programming
- GED preparation classes
- Job readiness and job placement services
- Health education
- Linkage to care and care coordination for individuals with chronic health conditions

The facility will have security 24 hours per day, seven days per week, 365 days per year of a type and amount similar to that provided at hospitals. All individuals accessing treatment units, whether to visit or for receiving care, will be subject to a routine search by security staff.

Petitioner expects to employ 163 full time staff that will include medical, clinical, program support, administrative, security, housekeeping, janitorial, and food preparation/service.

## Attachment B

The need for the services the Petitioner proposes to provide is urgent—and crystal clear. This need is demonstrated by the twin crises of increasing levels of substance use disorders and related deaths, and severely limited capacity for treatment and access to care across Illinois, and in DuPage County specifically.

The national opioid crisis has received extensive news coverage over the past few years, and federal and local governments have focused efforts on addressing it. Yet the data are still astonishing, and opioid overdose death rates are still climbing in some areas of the country. The most recent data<sup>1</sup> from the US Centers for Disease Control and Prevention (CDC) show that 70,237 drug overdose deaths occurred in the United States in 2017. That is nearly 200 deaths **every day**. While the majority of these deaths (67.8%) involved opioids, people are dying from overdoses on a variety of drugs.

Illinois has had dramatic increases in overdoses, both fatal and non-fatal. The CDC identifies Illinois as one of the states where there was a “significant” increase in drug overdose death rates from 2016 to 2017.<sup>2</sup> The Illinois Department of Public Health (IDPH) data<sup>3</sup> show that there were 2,063 deaths from opioid-related overdoses in 2018, a 92% increase over deaths in 2013. Non-fatal overdoses increased by 135% in the same five-year period, to 13,616. While opioid use is increasing in every area of the state, Illinois has actually seen a *decrease* in treatment capacity. Following years of budget cuts, Illinois was first in the nation in decline in treatment capacity by 2012, the most recent year for which data are available.<sup>4</sup> Despite having the nation’s fifth largest population, Illinois had fallen to 44th, or 3rd worst in the nation, in treatment capacity.<sup>5</sup> The United States Substance Abuse and Mental Health Services Administration reported that in 2014, only 11.7% of individuals with substance use disorders in Illinois were able to access care.<sup>6</sup> Individuals with alcohol use disorders fared worse – only 5% were able to access care.<sup>7</sup>

DuPage County has seen high volumes of substance use-related incidents in recent years, like the rest of the State. In 2017 and 2018, according to IDPH, there were 286 opioid-related deaths – and 1,176 overdoses that did not result in death. DuPage was a leader in distributing Narcan to

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<sup>1</sup> Scholl L, Seth P, Kariisa M, Wilson N, Baldwin G. Drug and Opioid-Involved Overdose Deaths – United States, 2013-2017. *Morb Mortal Wkly Rep.* ePub: 21 December 2018.

<sup>2</sup> Scholl L, et. al, 2018

<sup>3</sup> Illinois Department of Public Health. Opioid Dashboard. <https://idph.illinois.gov/OpioidDataDashboard/>

<sup>4</sup> Kane-Willis, K.; Aviles, G; Barnett, D.; et. al, Diminishing capacity: The Heroin crisis and Illinois treatment in national perspective. Illinois Consortium on Drug Policy at Roosevelt University, Aug., 2015.

<sup>5</sup> Kane-Willis et. al., 2015

<sup>6</sup> Substance Abuse and Mental Health Services Administration. Behavioral Health Barometer: Illinois, 2015. HHS Publication No. SMA-16-Baro-2015-IL. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2015.

<sup>7</sup> Substance Abuse and Mental Health Services Administration.

first responders, an opportunity which those first responders embraced. But after time those first responders began to report that they were performing opioid overdose reversals on some of the same individuals repeatedly. What was needed was access to the appropriate levels of substance use disorders care that would help individuals escape the cycle and enter into recovery.

Yet with substantial numbers of opioid-related overdoses and deaths, access to treatment in DuPage County is very limited. Outside of hospitals, there are no medically monitored withdrawal management (detoxification) programs, and only limited availability of residential substance use care—especially for individuals whose families' resources to help them have been exhausted. DuPage residents needing these levels of care often must leave the county.

Haymarket Center itself, the Petitioner, served 376 DuPage County residents in 2017 and 2018 at its Cook County location, and more than 2,000 when Will, Kane, and Lake Counties are added. It is clear that **the DuPage County area has an urgent need for the programs the Petitioner intends to provide.**

# SUBSTANCE USE DISORDERS ACCESS TO CARE

Haymarket Center  
HOPE STARTS HERE

## 19.6 MILLION AMERICANS

had a Substance Use Disorder (SUD) in 2017<sup>1</sup>

The demographics now cut across sex, race, age and education levels.<sup>2</sup>

**74%**

of those suffer from an Alcohol Use Disorder. Excessive alcohol use results in 88,000 deaths per year.<sup>1</sup>

**38%**

of those suffer from a Substance Use Disorder. 100 people die every day in America from drug overdoses. This rate has tripled in the past 20 years.<sup>1</sup>

**46%**

Nearly half of all Americans have a personal connection to someone struggling with alcohol or drugs.<sup>2</sup>

## 8.7 MILLION CHILDREN

nationwide have a parent who suffers from a substance use disorder.<sup>3</sup>

**ACCESS TO LIFE-SAVING TREATMENT  
IS URGENTLY NEEDED.**

**In America only 19% with SUD received treatment.<sup>4</sup>**

**In Illinois only 5% with alcohol use disorder and 11.7% with a substance use disorder received treatment.<sup>5</sup>**

<sup>1</sup> 2017 NSDUH Annual National Report

<sup>2</sup> Pew Research Center, 2017 Study

<sup>3</sup> American Academy of Pediatrics, Opioid Fact Sheet

<sup>4</sup> Substance Abuse and Mental Health Services Administration, (2018) *Key Substance Use and Mental Health Indicators in the*

*United States: Results from the 2017 National Survey on Drug Use and Health.*

<sup>5</sup> SAMHSA, Behavioral Health Barometer: Illinois, 2015

## OPIOID CRISIS ESCALATING

Deaths involving opioids have risen 544% since 1999<sup>6</sup> and occur every 11 minutes.<sup>7</sup>

**Americans are now more likely to die due to an opioid overdose than in a motor vehicle accident.**



**1 in 103**

Chances of losing their life on the road



**1 in 96<sup>8</sup>**

Chances of losing their life during an opioid overdose

### Opioid deaths in Illinois, 2013-2017<sup>9</sup>



**DuPage County<sup>10</sup>**

**20+**  
overdose reversals  
every month

**81**  
overdose deaths  
in 2018

**WE NEED TO TAKE ACTION. HOPE STARTS HERE.**

<sup>6</sup> National Safety Council, 2019 Study  
<sup>7</sup> U.S. Center for Disease Control  
<sup>8</sup> Injury Facts, 2017 Study  
<sup>9</sup> National Safety Council, 2019 Study  
<sup>10</sup> DuPage County Coroner

# EXPANDING ACCESS TO LIFE-SAVING CARE

*Haymarket Center*  
HOPE STARTS HERE

**Haymarket Center** is one of the region's largest and most comprehensive providers of treatment for substance use disorders and mental health conditions. Founded in 1975 by Monsignor Ignatius McDermott and Dr. James West, Haymarket Center is a fully accredited non-profit organization that annually serves over 12,000 individuals from across Illinois.

Our individualized care ranges from outreach through recovery, adapted to suit each patient and their unique needs.

Our services go far beyond the scope of most treatment programs, including:

- Evidence-based, comprehensive interventions
- Medication Assisted Treatment (MAT)
- Psychiatry & counseling
- Recovery living
- Child care
- Parenting classes
- GED courses & job placement
- Partnerships that assure care coordination
- Recovery coaching

## Treatment that Works

An independent evaluation of a federally-funded recovery coaching program at Haymarket showed outstanding outcomes:



**87%**

with reduction in  
substance use



**64%**

decrease in mental  
health symptoms



**74%**

increase in clients  
employed

## Haymarket DuPage

### What is proposed for Haymarket DuPage?

The full continuum of substance use and mental health treatment for adults 18 and over will be available on site at our new behavioral health clinic, located in Itasca at the former Holiday Inn on the west side of Interstate 290 at Irving Park Road. The facility will undergo a \$1.5 million interior renovation and will be in full operation by 2021.

### How was DuPage County selected?

Since 2015, 339 people have died from an overdose and more than 600 overdoses have been reversed by the DuPage Narcan Program. As overdose fatalities and reversals continue to rise, so does the demand for our services.

Nearly 2,000 men and women from DuPage and the collar counties were patients at Haymarket clinics in 2017-2018.

### Why this location?

The building is easily accessible for individuals seeking services, located in an industrial area with ample parking and surrounding green space.

### A Community Partner in DuPage County



150+ New Jobs  
for Medical and  
Counseling Staff



Primary Care Clinic  
on site



Day Care on site for  
Children of Patients



Reduce Burden and Costs  
for Area Hospitals through  
Haymarket comprehensive  
services



Emergency Responders  
will have a Local Partner  
Ready to Help People  
with SUDs



Expansion of  
Partnership with  
DuPage Health  
Department and HOPE  
Task Force

For more information, please contact: President and CEO, Dr. Dan Lustig, Psy.D., MISA II, CAADC.  
312.226.7984

## Attachment C

### Holiday Inn Itasca Location Benefits

- The location is appropriate to the target service area
- Proximity to hospitals (Amita Health Systems)
- Located in a business (non-residential) zoned area with municipal services.
- Building layout and design supports comprehensive programming
- Accessibility to public transportation
- The Property and Improvements are:
  - available at an acceptable price
  - building improvements were recently remodeled (in 2013)
- Building is virtually turn-key
  - Includes all furniture, fixtures and equipment
  - Renovation timeline is approximately 120 days

#### **Attachment D To Petition for Special Use for Planned Development**

Exception from Section 14.12(7)(a)(6) of the Itasca Zoning Ordinance (Standards--Bulk Exceptions) to allow the continuation of each existing bulk deviation for the property. Applicant proposes no redevelopment of the site or the existing building. The Property is an existing hotel, which is a special use under the Village of Itasca B-2 zoning classification. As such, any existing deviations from bulk standards have been previously permitted by the Village. The known existing deviations from standards are: (i) the existing 5-story (51.8') building; and (ii) the existing 36.7' front yard (west) building setback.

**The following exception approvals are requested both because no development, redevelopment, or change to the exterior of the building is proposed; and because no dwellings, dwelling units, or residential occupancy as defined in Section 3.02 of the Itasca Zoning Ordinance are proposed:**

- Exception from Section 14.12(7)(b)(1) of the Itasca Zoning Ordinance (Standards--Residential Density)
- Exception from Section 14.12(7)(b)(2) of the Itasca Zoning Ordinance (Standards--Residential and business uses)
- Exception from Section 14.12(7)(b)(3) of the Itasca Zoning Ordinance (Standards--Residential Open Areas)
- Exception from Section 14.12(7)(b)(4) of the Itasca Zoning Ordinance (Standards--Residential Access to Dwellings)
- Exception from Section 14.12(7)(e)(1) of the Itasca Zoning Ordinance (Standards--Minimum Requirements for separate spaces) (There will also be no separation of uses. The entire property will be used as a health center.)
- Exception from Section 14.12(7)(e)(2) of the Itasca Zoning Ordinance (Standards--Minimum Requirements for separate spaces) (There will also be no separation of uses. The entire property will be used as a health center.)

**The following exception approvals are requested because no development, redevelopment, or change to the exterior of the building is proposed;**

- Exception from Section 14.12(7)(a)(7) of the Itasca Zoning Ordinance (Standards--Architectural Consistency).
- Exception from Section 14.12(7)(d) of the Itasca Zoning Ordinance (Standards--Business)

**An exception approval is requested from the requirement under Section 14.12.4 that the application include the following documents/information (when filed) that have not been deemed inapplicable or waived by the Village planning and zoning administrator:**

- Exception from Section 14.12(4)(c)(3) of the Itasca Zoning Ordinance to allow filing of Economic Impact Statement on or before July 31, 2019.
- Exception from Section 14.12(4)(c)(4) of the Itasca Zoning Ordinance to allow filing of Landscape Plan on or before July 31, 2019.

**The following exception approvals are requested from the Site Plan regulations:**

- Exception from Section 14.13(7)(c) of the Itasca Zoning Ordinance (Standards for Class I Site Plan Review--Site and Building Design) because there will be no development or exterior remodeling of the property.

- Exception from Section 14.13(7)(d) of the Itasca Zoning Ordinance (Standards for Class I Site Plan--Open Space and Landscaping) because there will be no development or exterior remodeling of the property, and there is already landscaping to which no changes are proposed.
- Exception from Section 14.13(7)(e) of the Itasca Zoning Ordinance (Standards for Class I Site Plan--Access and Circulation) because there will be no development or exterior remodeling of the property.
- Exception from Section 14.13(3)(j) of the Itasca Zoning Ordinance to allow filing of sign elevation on or before July 31, 2019.

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF DU PAGE )

BEFORE THE ITASCA PLAN COMMISSION  
ITASCA, ILLINOIS

IN THE MATTER OF: )  
 )  
HAYMARKET DUPAGE, LLC ) #PC 19-014  
APPEAL OF ZONING ADMINISTRATOR )  
DECISIONS AS SET FORTH IN )  
PETITIONER'S APPEAL STATEMENT )  
DATED AUGUST 13, 2019 )

Report of proceedings had before the  
Itasca Plan Commission taken at the Village  
of Itasca, 550 West Irving Park Road, Itasca,  
Illinois on the 21st day of August, 2019 at  
the hour of 7:00 p.m.

PRESENT FOR THE ITASCA PLAN COMMISSION:

MR. MARK KISCHNER, Chairman  
MR. BRENDON DALY  
MR. FRANK CARELLO  
MR. ERIC SWETS  
MR. JEFFREY HOLMES  
MS. LORI DRUMMOND  
MS. KRISTA RAY

ALSO PRESENT:

MS. YORDANA WYSOCKI, Village Attorney  
MR. KON SAVOY, Senior Planning Consultant  
MS. SHANNON MALIK JARMUSZ, Director of Comm. Dev.  
MS. CARRIE ANN ERGO, Village Administrator  
MS. NICOLE ESPEDIDO, Secretary

P R O C E E D I N G S

1  
2 CHAIRMAN KISCHNER: Okay, we are going to open  
3 the regular meeting this evening. Roll call please.

4 MS. ESPEDIDO: Commissioner Daly.

5 COMMISSIONER DALY: Here.

6 MS. ESPEDIDO: Commissioner Carello.

7 COMMISSIONER CARELLO: Here.

8 MS. ESPEDIDO: Commissioner Swets.

9 COMMISSIONER SWETS: Here.

10 MS. ESPEDIDO: Commissioner Holmes.

11 COMMISSIONER HOLMES: Here.

12 MS. ESPEDIDO: Commissioner Drummond.

13 COMMISSIONER DRUMMOND: Here.

14 MS. ESPEDIDO: Commissioner Ray.

15 COMMISSIONER RAY: Here.

16 MS. ESPEDIDO: Chairman Kischner.

17 CHAIRMAN KISCHNER: Also here, thank you.

18 Normally, we would consider our minutes, but in the  
19 interest of our time we will move those to our next  
20 meeting. So, what I'd like to do now is just again read  
21 a little something for people in the audience.

22 Tonight, we have four appeals from the  
23 Petitioner, and we'll go over those one at a time. For

1 the public though, this next meeting that we're about to  
2 have is not to decide if Haymarket DuPage will be  
3 approved or not by the Plan Commission. This meeting is  
4 procedural in nature in that Haymarket is appealing four  
5 decisions made by Village Staff. This isn't a hearing  
6 on the zoning for Haymarket's petition. That hearing is  
7 scheduled for September 18th, 2019 at 7:00 p.m. So, I  
8 just wanted to make that clear for everybody in the  
9 audience.

10 With that, the next item on our agenda is  
11 public comment. So, does anybody have any public  
12 comments this evening? So, everybody that, do we need  
13 to swear people in for this particular --

14 MS. MALIK JARMUSZ: There is a sign-in sheet.

15 CHAIRMAN KISCHNER: Okay, so there's a sign-in  
16 sheet. This is not a public hearing, you don't need to  
17 be sworn in, which is unusual for us. But there is a  
18 sign-in sheet, where, at the podium?

19 MS. MALIK JARMUSZ: At the podium.

20 CHAIRMAN KISCHNER: So, maybe if we could put  
21 that on the corner off the podium after it's signed?  
22 Then everybody can sign in a little bit ahead of time to  
23 save some time.

1           MR. SNEATH: Good evening. Can everybody hear  
2 me? Okay, so my name is Dustin Sneath. On behalf of  
3 the rather large group of Itasca citizens and business  
4 owners here, I wish to speak briefly regarding the  
5 appeal or appeals.

6           So, the appeals tonight, as you said, are  
7 procedural in nature. The Petitioner believes they were  
8 subjected to additional requirements they believe they  
9 should not have been asked to meet, and claim they've  
10 been prejudiced by the actions of this Commission and  
11 the Village. It is our opinion that the planned  
12 development path is the correct path given the mixed  
13 nature of uses at the facility and its overall  
14 incompatibility with the surrounding district as well as  
15 its sheer impact on the district in terms of acreage.

16           All technicalities aside, any group  
17 claiming to be community partners the way Haymarket has  
18 should have no problem with being held to our high  
19 standards. If this is truly as necessary as Haymarket  
20 has claimed, conforming to our Village's requests should  
21 not be a problem, they should be a priority. Thank you.

22           (Applause.)

23           MS. ZAKOS: So, good evening. My name is

1 Helen Zakos, and I am a concerned citizen of Itasca.  
2 It's with profound disappointment that I stand before  
3 you all tonight.

4 I've worked in the healthcare industry  
5 for more than 25 years, and I don't think anybody in  
6 this room is disillusioned by the fact that the opioid  
7 crisis is actually what it is, a crisis. We do not deny  
8 the need for organizations to help combat this epidemic.  
9 However, Itasca, Illinois is not the place for  
10 Haymarket's proposed 200-bed drug and rehabilitation  
11 facility.

12 I've struggled over the last few weeks  
13 and months to understand the push, the deceit, the  
14 innuendoes that the Haymarket group and its affiliated  
15 supporters have wrought to bring such a facility to our  
16 Village. Our local Village officials have risen to the  
17 occasion and listened to their residents. I thank you.  
18 Our Mayor has dutifully accepted Haymarket's multiple  
19 requests for meetings in transparency; however, the same  
20 cannot be said about Haymarket. Their lack of  
21 transparency, responsiveness and integrity is appalling  
22 for an organization who claims their six core values are  
23 integrity, diversity, financial focus, customer focus,

1 professionalism, and teamwork. A team approach requires  
2 just that, a team, stepping up to the plate and  
3 answering the hard-hitting questions to provide the  
4 facts which Haymarket has yet to do.

5                   The facts are simple. Itasca, the fourth  
6 smallest populated village in DuPage County cannot and  
7 should not be asked to support the financial burden this  
8 will have on our community. Fact: Itasca will lose  
9 more than \$250,000 annually if a nonprofit takes over.  
10 Resident taxes will no doubt increase to cover this  
11 loss. Fact: Itasca residents passed a referendum last  
12 year to assist with the financial struggles of our Fire  
13 Department. Fact: Haymarket Chicago had 863 9-1-1  
14 emergency responses to their facility last year. Fact:  
15 Itasca has one ambulance.

16                   Haymarket's response to our lack of  
17 resources was they would contract outside ambulance  
18 services. As a health professional, fact, private  
19 ambulances are not dispatched when answering 9-1-1  
20 emergencies. Fact: Haymarket's suggestion to assist in  
21 obtaining grants will not make up for the annual loss in  
22 revenue and extra burden on our already troubled  
23 resources. Fact: The proposed Haymarket site is not

1 affiliated with a large acute hospital. Fact: The  
2 nearest ER cannot burden the brunt of these emergencies.  
3 It would require a complete revamping to accommodate an  
4 already busy emergency room.

5 Fact: The proposed site is within close  
6 proximity of three video gaming businesses and five  
7 establishments which sell or serve alcohol, four primary  
8 schools, a water park, three children-based stores and  
9 their activity centers, a park district, a library, a  
10 bike and walking path used by multiple children, and  
11 multiple, multiple residential properties. Fact: The  
12 proposed site is not as Haymarket has alluded, as a  
13 desired business park away from the above  
14 establishments. The proposed site is the furthestmost  
15 northeast corner of DuPage County. Fact: The proposed  
16 site is not as Haymarket has suggested, centrally  
17 located within DuPage County, closer to the home and  
18 near their families.

19 Of late, Itasca and its residents have  
20 been butchered in the eyes of the media. In Haymarket's  
21 latest stunt, we are uncaring, uncourageous, and  
22 unwilling to open our eyes to become heroes. Let it be  
23 known, Haymarket is not the hero here. Putting a

1 facility like Haymarket in Itasca is asking less than  
2 one percent of DuPage County's residents to shoulder  
3 this financial burden. This is not heroic.

4 Itasca does not need courage. We have  
5 courage. We stand before you as concerned citizens of  
6 Itasca and encourage you, the Plan Commission Committee,  
7 to look at all the facts when making a decision. Thank  
8 you.

9 (Applause.)

10 CHAIRMAN KISCHNER: Thank you to the speakers.  
11 For those in audience, we can hear you loud and clear  
12 that many of you are in favor of what's just been said.  
13 We understand that. To make the meeting go along  
14 quicker, if we could just nod your head, we get it, we  
15 understand that. So, thank you for that.

16 Anybody else wish to speak on anything  
17 since it's public comment? Please raise your hand.  
18 Okay, so I'm going to close the public comment portion  
19 of this hearing -- what?

20 Meeting, it's not a public hearing,  
21 sorry, meeting.

22 With that, I'd like to bring up Case PC#  
23 19-014. The Petitioner is Haymarket DuPage, LLC. The

1 owner is Pearl Hospitality, LLC. The location is 860  
2 West Irving Park Road. The request is for appeal of  
3 Zoning Administrator decisions as set forth in the  
4 Petitioner's appeal statement dated August 13th, 2019.

5 Do we need a roll call? No, we've  
6 already had roll call. It's not a hearing, I'm used to  
7 doing hearings, sorry.

8 So, with that, I'd like to call the  
9 Petitioner to the podium. If you could identify  
10 yourselves?

11 MR. ROTH: Good evening, members of the  
12 Commission. My name is, can you hear okay? My name is  
13 Michael Roth. I'm an attorney with Ice Miller and I  
14 represent the Appellant in this case, the Haymarket  
15 DuPage, LLC.

16 First, as a procedural matter, I just  
17 want to confirm that our application packet has been  
18 made part of the record for this hearing tonight.

19 MS. WYSOCKI: It's not a hearing, but for the  
20 appeal, it is part of the packet that's been passed out  
21 to the Plan Commission.

22 MR. ROTH: Thank you.

23 MS. WYSOCKI: And we'll certainly accept it as

1 part of the record.

2 MR. ROTH: I'll make some initial comments on  
3 this and then turn it over to one of our witnesses.

4 Haymarket, LLC is an entity established  
5 by Haymarket Center for the Holiday Inn Itasca project.  
6 Haymarket Center is one of the region's largest and most  
7 comprehensive providers of treatment for substance use  
8 disorders and mental health conditions. Haymarket was  
9 founded in 1975 by Monsignor Ignatius McDermott and Dr.  
10 James West, and is a fully accredited, not-for-profit  
11 organization. The entire Haymarket Center for the  
12 Itasca facility will be, as are its other facilities,  
13 licensed by the Illinois Department of Human Services  
14 and regulated under state law.

15 Haymarket DuPage is the contract  
16 purchaser for the property at 630 West Irving Park Road,  
17 the Holiday Inn Itasca. The property is zoned B-2, and  
18 healthcare facilities are allowed as special uses in the  
19 B-2 zoning district. As clearly stated in Haymarket's  
20 special use and planned development applications  
21 included in the appeal packet, Haymarket DuPage would  
22 like to change the use of the property to a healthcare  
23 facility licensed by the Illinois Department of Human

1 Services for substance use and mental health treatment,  
2 intervention, and recovery services under 77 Illinois  
3 Administrative Code Part 2060.

4 Haymarket plans to provide a full  
5 continuum of healthcare services to adults aged 18 and  
6 older at the Itasca location. Services will include  
7 diagnosis, treatment, and recovery support for persons  
8 disabled by substance use and mental health disorders  
9 who voluntarily seek care. Treatment provided is  
10 planned to include inpatient, outpatient, and recovery  
11 programs.

12 As Mr. Chairman, you have said, we're not  
13 here tonight to make a land use presentation to support  
14 the request for the healthcare facility as a special use  
15 approval or as a planned development. The land use  
16 applications are scheduled for next month on September  
17 18th. We look forward to those hearings. We look  
18 forward to the opportunity for our first hearing and to  
19 make our presentation, and we look forward to the  
20 Village of Itasca's application of the appropriate  
21 standards of review.

22 Rather, pursuant to Section 14.08 of the  
23 Village's zoning code, Haymarket is appealing the four

1 decisions by the Zoning Administrator. All four center  
2 around the Zoning Administrator's decision that  
3 Haymarket's request for approval to use the Holiday Inn  
4 property as a healthcare facility special use may only  
5 be processed as a planned development. As you know, the  
6 procedures for planned development approval are  
7 significantly more onerous, and the standards for  
8 planned development approval are substantially higher  
9 because they're directed to site development and include  
10 an analysis of tax revenues and government costs for  
11 this not-for-profit entity.

12           Also, as we've made clear to the Village  
13 on several occasions, time is off the essence. So, to  
14 avoid needless and costly delays, on July 3rd, 2019,  
15 Haymarket filed both a petition for approval of a  
16 special use for a healthcare facility along with a  
17 variance to allow the building location, size, and  
18 structure to remain unchanged, and also a petition for a  
19 planned development with requests for Plan Commission  
20 approval of exceptions pursuant to the authority of this  
21 Commission under Section 14.12.2(b) of the Zoning  
22 Ordinance.

23           On May 9th, the Zoning Administrator

1 informed Haymarket that Haymarket must apply for a  
2 planned development approval. On June 26th, the Zoning  
3 Administrator informed Haymarket that she is refusing to  
4 process Haymarket's planned development application  
5 without a landscape plan and an economic impact  
6 statement, notwithstanding that Haymarket's application  
7 and request for exceptions from the Plan Commission were  
8 set forth in our application. On July 16th, the Zoning  
9 Administrator rejected the healthcare facility special  
10 use application, and on July 24th, the Zoning  
11 Administrator informed Haymarket of her refusal to allow  
12 the healthcare special use application to proceed until  
13 the planned development application was decided even if  
14 the Commission decides that the healthcare special use  
15 application was properly filed.

16           Each application submitted by Haymarket  
17 was completed and required by Village ordinance, and as  
18 specified in the Village's published procedures in  
19 petition for special use applications and its published  
20 procedures in petition for variation from the Itasca  
21 Zoning Ordinance. Each was accompanied by payment of  
22 the Village's filing fees.

23           So, we have on the agenda tonight the

1 four appeals. Mr. Chairman, if you would allow me, I'd  
2 like to address the third one first, the third one on  
3 the agenda.

4 CHAIRMAN KISCHNER: Okay.

5 MR. ROTH: So, as to the first issue, the  
6 Zoning Administrator states in a response to the appeal  
7 that the Haymarket project should be processed as a  
8 planned development because it's unique and does not fit  
9 neatly within zoning categories. But she ignores the  
10 very language of Section 14.11 of the Zoning Code  
11 stating that the purpose of special uses is to address  
12 just that circumstance: "It's recognized that there are  
13 special uses which, because of their unique character,  
14 cannot be properly classified in any particular zoning  
15 districts without consideration in each case of the  
16 impact of those uses." That's exactly what we have  
17 here.

18 The Zoning Administrator also ignores the  
19 fact that under Illinois law, special uses are presumed  
20 compatible with the zoning districts in which they are  
21 located, in this case the B-2 zoning district which  
22 specifically allows as special uses healthcare  
23 facilities. The Zoning Administrator also admits that

1 the proposed healthcare facility best fits within the  
2 hospital land use category. Hospitals are well suited  
3 for commercially zoned areas rather than residential or  
4 industrial. As I've said, healthcare facilities are  
5 allowed as special uses in the B-2 zoning district, and  
6 the use proposed by Haymarket DuPage falls squarely  
7 within the Village's definition of healthcare  
8 facilities.

9           As such, under the Village's own code, it  
10 should be processed as a special use for a healthcare  
11 facility. It's a clinic and a hospital as they are  
12 defined in the Village's zoning code with one hundred  
13 percent of its operations licensed and regulated by the  
14 state. One hundred percent of its operations licensed  
15 and regulated by the state as that facility. Every  
16 aspect of its operations will involve either diagnosis,  
17 treatment, or recovery support for persons disabled by  
18 and seeking care due to substance use and mental health  
19 disorders, all of it. Even the Zoning Administrator  
20 admits that after distinguishing many other zoning  
21 categories, the healthcare facility proposed best fits  
22 within the hospital category.

23           At this time, I'd like to call Pete Iosue

1 who is a professional land planner and municipal land  
2 planner to speak to the issues regarding the fundamental  
3 question that we have before us tonight, whether or not  
4 this proposal falls within the special use category for  
5 healthcare facilities, or whether in fact it must be  
6 processed as a planned development. Pete?

7 MR. IOSUE: Good evening. Can everybody hear  
8 me? Guys good?

9 All right, thanks for coming out,  
10 everybody. Thanks to the Board for hearing our  
11 petition.

12 Again, my name is Pete Iosue. I work for  
13 Teska Associates. We're professional land planners and  
14 landscape architects. I've been a professional land  
15 planner, AICP certified, for about 20 years. I've been  
16 working for Teska Associates for roughly 15 years.

17 I just have a couple of points I want to  
18 make. Mike pretty much hit on all the main points. But  
19 there's just a couple of things I'd like to get into.  
20 I'll be as brief as possible. I realize there's a ton  
21 of people here. Everybody doesn't want to be here all  
22 night and it is super hot, so I'm going to just be real  
23 quick.

1 I'd just like to talk briefly about the  
2 decision to treat the petition as a planned unit  
3 development as opposed to just a special use. As you  
4 guys are well aware, you just had a hearing right before  
5 us on a planned unit development. PUDs are very  
6 powerful planning tools. They allow for a creative and  
7 flexible approach to design, so PUDs are a wonderful  
8 thing. But I just don't feel that it's appropriate in  
9 this circumstance.

10 A PUD is typically designed to be used  
11 for new development. If you look at the criteria, I've  
12 reviewed the Petitioner's application and I've reviewed  
13 your zoning ordinance, I heard somebody say here earlier  
14 about the higher standards of the PUD. I wouldn't  
15 necessarily say that they're higher standards, it's just  
16 most of the standards for a PUD are just not relevant in  
17 this circumstance.

18 As I said, a PUD is typically reserved  
19 for a new development. It has requirements for site  
20 planning, for preservation of woodlands, it allows for  
21 creative design primarily for a new development with  
22 multiple buildings and multiple uses, which we just  
23 don't have in this case. It allows the Village to do

1 things such as, you know, to provide tradeoffs, to allow  
2 a taller building or a higher density or a reduction in  
3 parking, for some tradeoffs such as protection of a  
4 wetland or additional open space. In this case, we're  
5 primarily just talking about the adaptive reuse of an  
6 existing building. So, I don't think that the planned  
7 unit development requirements are appropriate in this  
8 case.

9                   As Mike stated earlier, I've reviewed the  
10 definitions of the zoning ordinance, in order to be  
11 deemed as a special use, the Village has determined that  
12 there was more than one primary use for the proposed  
13 petition. I've reviewed the definitions and I have a  
14 couple of them here. It's our opinion that the proposed  
15 use fits pretty squarely into the definition in your  
16 zoning ordinance for a healthcare facility. I'll just  
17 read that off real quick.

18                   The definition per the zoning ordinance  
19 for a healthcare facility is a building containing an  
20 association or group of physicians, dentists, clinical  
21 psychologists, and similar professional healthcare  
22 practitioners, including allied professional assistants  
23 who are assembled for the purpose of carrying on their

1 professions. The healthcare facility may include  
2 apothecary, dental, medical laboratories, and/or X-ray  
3 facilities, but shall not include inpatient care or  
4 operating rooms for major surgery. But then it also  
5 further defines under that definition the definition of  
6 a hospital which we feel this proposed use squarely fits  
7 under. Any institution, place, building or agency,  
8 public or private, whether organized for profit or not,  
9 devoted primarily to the maintenance and operation of  
10 facilities for the diagnosis and treatment or care of  
11 two or more unrelated persons admitted for overnight  
12 stay or longer, and in addition to obtain medical care  
13 including obstetric, psychiatric, nursing care for  
14 illness, disease, injury, infirmity or deformity. That  
15 pretty squarely fits what the Petitioner is proposing in  
16 this case.

17 I also reviewed the definitions for, as  
18 the Village has deemed this to be a primary use for  
19 residential, I reviewed the code on the definitions of  
20 residential and dwelling units. I just have some  
21 definitions here; I don't believe that this fits the  
22 definition of a dwelling unit in your zoning ordinance.  
23 The proposed use, they're essentially reusing the hotel

1 rooms for temporary stays. It would be nobody's  
2 permanent residence.

3           The definition for a dwelling unit I have  
4 here, a dwelling unit as defined in the Village's code  
5 consists of one or more rooms which are arranged,  
6 designed, or used as living quarters for one family  
7 only. Individual bathrooms and complete kitchen  
8 facilities permanently installed shall be included in  
9 each dwelling unit. The code does specify different  
10 types of dwelling units for single-family, multi-family,  
11 and whatnot. But these are not permanent dwelling  
12 units; they're essentially reusing the existing hotel  
13 rooms for temporary stays. No one is living there  
14 permanently. It's nobody's residence or place of  
15 dwelling.

16           So, I feel that, in my professional  
17 opinion, that the use fits squarely under your  
18 definition for a healthcare facility which is a special  
19 use in the B-2 district. I feel that's the appropriate  
20 course of action for the Village.

21           MR. ROTH: So, I'll conclude on this issue of  
22 the first element of the appeal, that there are not  
23 multiple primary land uses that are being proposed, and

1 that is the standard, whether those land uses are  
2 subordinate or accessory or related, or in fact are they  
3 other primary land uses which, as you know through your  
4 experience, is what you're dealing with with a planned  
5 unit development. In this case, this is a call for a  
6 planned development with no development planned.

7                   The entire facility is going to be  
8 licensed. It is not residences. The uses, or the  
9 activities for overnight stays, whether they be for 30,  
10 60, 90 days, or even in the recovery home portion up to  
11 a year, does not make this operation a residential  
12 operation, any more than to stay in a hospital which can  
13 be unlimited. People can stay in --

14                   CHAIRMAN KISCHNER: Excuse me, pardon me. If  
15 the audience can remain silent, I would appreciate it.  
16 Please listen to the Petitioner. Public comment, they  
17 listened to you respectfully on your comments. I would  
18 ask that Itasca be civil, unlike the rest of our country  
19 as I noted at the beginning of the meeting, and listen.  
20 You'll have your chance to respond at our next public  
21 hearing which I cannot remember the date.

22                   MR. ROTH: September 18th.

23                   CHAIRMAN KISCHNER: Thank you. You remember

1 better than I do. So, thank you in advance.

2 MR. ROTH: So, as you know, businesses have  
3 multiple uses frequently, and that does not take them  
4 out of a zoning category. The question is whether or  
5 not the other uses are primary uses, and that is not  
6 what is involved here. Every aspect of this is a  
7 medical use. It is healthcare, that's what this is.  
8 There are different elements, as I'm sure that you can  
9 understand, there are different elements to healthcare,  
10 and the different levels, the different degrees, the  
11 different stages in which healthcare is administered.

12 So, to say that, for example in a  
13 hospital, that that needs a planned development because  
14 there's going to be a cafeteria or a restaurant in a  
15 hospital is illogical. Same thing with hotels. You can  
16 have conference centers in hotels. Does that mean that  
17 you have to have a planned development because of  
18 multiple primary uses? No, because they're all  
19 subordinate to, they're accessory to, and they're  
20 incidental to the primary use which is a hotel, which is  
21 what's been going on at the Holiday Inn for sometime.

22 Finally, the Itasca's residential zoning  
23 applies specifically to dwellings and dwelling units, as

1 Pete said. The Haymarket healthcare facility does not  
2 fall within the scope of residential regulations under  
3 Section 7.01 of the Village's zoning code, and doesn't  
4 even involve living accommodations for families only,  
5 which is the requirement for residential zoning.  
6 Residential dwelling units much have kitchens, and not  
7 one of the rooms in this case does. These are simply  
8 not dwelling units, it's not dwellings, and it's not a  
9 residential use. Therefore, it certainly cannot be  
10 considered a primary use.

11 That's it for our comments with regards  
12 to that first issue on appeal, Mr. Chairman.

13 CHAIRMAN KISCHNER: No. 3.

14 MR. ROTH: If you'd like me to move on to the  
15 next one or how do you like to handle this?

16 CHAIRMAN KISCHNER: Yes, why don't we do all  
17 four?

18 MR. ROTH: Okay, fine. The second issue on  
19 this appeal challenges the Zoning Administrator's  
20 decisions to summarily reject and prevent any hearing on  
21 Haymarket's petition.

22 CHAIRMAN KISCHNER: Which appeal are you on?

23 MR. ROTH: This would be, I think it was

1 number -- it's No. 1 on your agenda.

2 CHAIRMAN KISCHNER: Okay, thank you.

3 MR. ROTH: Yes, it's No. 1 on the agenda. So,  
4 again, this issue involves in the appeal challenging the  
5 Zoning Administrator's decision to reject and prevent  
6 any hearing, any consideration by this Plan Commission  
7 on Haymarket's petition for approval of a special use,  
8 to use the Holiday Inn property as a healthcare  
9 facility, even though the petition filed was in  
10 accordance with the letter of the Village's own codes.  
11 The Zoning Administrator doesn't have the authority to  
12 simply reject zoning applications that comply with the  
13 rule of law, with the Village's zoning ordinances, with  
14 your published standards for filings and proceedings,  
15 and to deny Haymarket the opportunity to make its  
16 presentation on that basis to the Planned Commission,  
17 and finally to the Village Board. That was an abuse of  
18 her discretion, and we're asking the Plan Commission to  
19 reverse that and allow this matter to proceed as a  
20 special use for a healthcare facility as has been  
21 applied.

22 Appeal No. 4 --

23 CHAIRMAN KISCHNER: Excuse me.

1 MR. ROTH: Yes, sir.

2 CHAIRMAN KISCHNER: Before we move on to four,  
3 I just have a point of clarification for myself.

4 MR. ROTH: Sure.

5 CHAIRMAN KISCHNER: On No. 1. Are you  
6 appealing the Zoning Administrator, that she was  
7 incorrect in her conclusion? Or that she made a  
8 conclusion that you disagree with?

9 MR. ROTH: She was incorrect in her conclusion  
10 that the only way in which we could process our  
11 application was by way of a planned development. Now,  
12 she may take issue with whether or not it satisfies the  
13 special use standards. But we should be entitled to a  
14 hearing, we should be entitled to presentation of our  
15 evidence, and consideration and recommendation by this  
16 Plan Commission to the Village Board.

17 CHAIRMAN KISCHNER: Okay, thank you.

18 MR. ROTH: But we also take issue with the  
19 Zoning Administrator's refusal to process that  
20 application. So, that's where we believe, as we've said  
21 and as Mr. Iosue has testified, the proposed use fits  
22 squarely within the Village's zoning code for healthcare  
23 facilities, and we should be entitled to present our

1 evidence on that issue and proceed without delay and  
2 without having to proceed one at a time on this.

3           The next issue that was presented on our  
4 appeal was the fact that because of our time  
5 constraints, we filed an application for the special use  
6 for a healthcare facility as, as we say, we think it's  
7 the appropriate way to go. But because of the tight  
8 timeframe, and we didn't want to ignore what the Zoning  
9 Administrator had to say, we also filed an application  
10 for a special use for a planned development. That  
11 special use for a planned development then brings this  
12 matter into a different area of the zoning code.

13           Under Section 14.12 of the Village's  
14 code, this Commission, when considering a planned  
15 development, is entitled to apply or make exceptions for  
16 certain of the standards for special use planned  
17 development consideration. In our application, we asked  
18 for that. We asked that the Plan Commission make  
19 findings for some exceptions. One of the main reasons  
20 for that is because most of the planned development  
21 standards deal with development, and there isn't any  
22 development proposed here to the site or the exterior of  
23 the building as I've said.

1                   The building is going to stay. We're not  
2 going to increase the height. We're not going to  
3 increase the size or the location or add on to it. The  
4 only change to the exterior was going to be a change to  
5 the sign.

6                   So, as to that, many, many of the  
7 provisions within the zoning code for processing planned  
8 developments, they just don't apply. They don't apply.  
9 So, as part of our application for the planned  
10 development, even though we don't think that we should  
11 have had to apply for a planned development, we asked to  
12 be exempt from those standards that don't apply. The  
13 Zoning Administrator herself agreed that 38 out of the  
14 52 points that we said were inapplicable, she agrees  
15 they just don't apply.

16                   So, when we talk about issues like is the  
17 Plan Commission going to be confused by proceeding with  
18 two applications for exactly the same thing at exactly  
19 the same location and what standards would apply, I  
20 don't think there will be any confusion at all. If  
21 there's going to be confusion, it will be trying to sift  
22 through the 38 to 52 standards of the planned  
23 development ordinance that don't apply. Even according

1 to your Zoning Administrator, they don't apply.

2                   The better thing to do and the more  
3 expedient thing and the easier to understand way to  
4 process this would be to take this as a healthcare  
5 facility, evaluate it on its merits, and make your  
6 decisions and decide. Decide whether or not there are  
7 certain conditions or standards that ought to be  
8 attached to this, but decide it on the basis that it's  
9 designed to be based on, on the special use healthcare  
10 facility standard.

11                   So, we had asked in part of our  
12 application for the Plan Commission to find these  
13 exceptions and apply them where simply the planned  
14 development regulations just don't make sense. They're  
15 not logically applicable. But the Zoning Administrator  
16 said no. She said I will not process your planned  
17 development application until you submit things that  
18 you're asking for exceptions from.

19                   So, we think that's wrong. We think we  
20 should have been able to bring that question to this  
21 board and have a decision made. But we were denied the  
22 opportunity to do that, and as a result, we had to file  
23 expensive and time-consuming reports that we think are

1 just not applicable.

2                   The last point that I want to make is on  
3 Appeal No. 2, that even if this Commission were to agree  
4 with us that it is appropriate to process our  
5 application for a special use for a healthcare facility,  
6 that even if you agree with us, she's not going to do it  
7 until after the planned development is fully processed  
8 and completed. Well, if you think these proceedings are  
9 going to be drawn out as they are now, if we have to do  
10 the whole thing twice, it's completely unnecessary, it's  
11 inappropriate, it's burdensome, it's expensive, and I  
12 don't think anybody should want to do that. We should  
13 be entitled to proceed.

14                   It's our hope that the Plan Commission  
15 will agree that this matter can proceed under the  
16 appropriate standards for a special use for a healthcare  
17 facility, and that you just take the hearing all as one  
18 and make your decision. You're intelligent enough, you  
19 won't be confused. You can apply the appropriate  
20 standards as you see fit. You'll have time to do that  
21 and allow us a full hearing in an expeditious way.  
22 That's all.

23                   CHAIRMAN KISCHNER: Okay, thank you.

1 MR. ROTH: Thank you.

2 CHAIRMAN KISCHNER: I will turn to Village  
3 Staff.

4 MS. MALIK JARMUSZ: Thank you. My name is  
5 Shannon Malik Jarmusz. I am the Community Development  
6 Director, and I serve as the Zoning Administrator for  
7 the Village of Itasca. I, too, am a certified planner  
8 through the American Institute of Certified Planners,  
9 and I have been involved in local government, employed  
10 by local government since 2001. So, I just wanted to  
11 let the audience know that's my background.

12 I do have a written response that I'm  
13 going to read into the record this evening, so bear with  
14 me. This was written for a general audience. It will  
15 be a little bit in the third person, but I'm going to  
16 take some time to go through that.

17 Haymarket DuPage, LLC (Haymarket) is  
18 appealing the decisions of the Zoning Administrator  
19 (Community Development Director) Shannon Malik Jarmusz  
20 under the Zoning Ordinance. In response, the Zoning  
21 Administrator states the following:

22 **I. HAYMARKET'S PROPOSAL IS APPROPRIATELY GOVERNED BY**  
23 **THE PLANNED DEVELOPMENT SECTION OF THE ZONING**

1           **ORDINANCE.**

2           A.    Haymarket's proposal is unique and does not  
3                    easily fit into any category of the zoning  
4                    ordinance. Haymarket's proposal for the  
5                    conversion of the 168-room hotel into a  
6                    nonprofit facility for addiction recovery and  
7                    mental healthcare includes, among other  
8                    things:

- 9                    i.    Detox. Haymarket proposes to have a  
10                   short-term, medically intense unit for  
11                   withdrawal management with stays of three  
12                   to five days.
- 13                   ii. Residential Program. Haymarket proposes  
14                   a "residential program" with stays for  
15                   individuals receiving mental healthcare  
16                   treatment and/or addiction recovery  
17                   treatment for seven to 90 days.
- 18                   iii. Recovery Homes. "Recovery homes" is a  
19                   term used by the Illinois Administrative  
20                   Code Section 2060.509. These recovery  
21                   homes are defined as "alcohol and drug-  
22                   free housing components," and must  
23                   "provide a structured alcohol and drug-

1 free environment for congregate living"  
2 which can be used by residents.  
3 Haymarket proposes that individuals may  
4 live in these recovery homes for up to  
5 365 days. When Haymarket initially  
6 proposed its facility, it was represented  
7 that the recovery homes portion of the  
8 facility will consist of a minimum of 120  
9 to 130 beds which is 60 to 65 double  
10 occupancy rooms.

11 iv. Outpatient. Haymarket's proposal  
12 includes outpatient programs for their  
13 clients and patients.

14 v. Childcare. Haymarket's proposal includes  
15 childcare for its residents and patients  
16 in order to provide full family  
17 treatment.

18 vi. Education/work. Haymarket's proposal  
19 includes parenting education, fatherhood  
20 programming, GED preparation classes, job  
21 placement services, and health education.

22 vii. Dining. Haymarket proposes to have a  
23 community dining facility to be heard by

1 residents.

2 B. Based on this information, Ms. Malik Jarmusz  
3 determined that Haymarket's proposal did not  
4 fit neatly into any existing category under  
5 the zoning ordinance. For example,  
6 Haymarket's proposal is not clearly:

- 7 i. Boarding and Lodging House. This use is  
8 primarily residential. Haymarket's  
9 proposal is both medical with detox,  
10 residential treatment and outpatient;  
11 residential with recovery homes; and  
12 other (childcare, education, and job  
13 placements).
- 14 ii. Childcare Center or School. The proposed  
15 primary use is not childcare or  
16 children's education.
- 17 iii. Dwelling Unit. This definition and the  
18 subcategories of efficiency, multi-  
19 family, single-family detached, single-  
20 family attached, et cetera, require  
21 complete kitchen facilities and  
22 individual bathrooms.
- 23 iv. Family Care Home. This category does not

1                   apply because it's limited to five or  
2                   fewer developmentally disabled persons,  
3                   and Haymarket's proposal is for  
4                   renovating a 168-bed facility for double  
5                   occupancy.

6                   v. Motel/Hotel. This category does not  
7                   apply as it's used by transient guests.

8                   vi. Hotel Extended Stay. This category does  
9                   not apply as the maximum length of stay  
10                  is 120 days.

11                  vii. Lodging Room. This category may apply to  
12                  the recovery homes portion of the  
13                  proposal but is not allowed in any zoning  
14                  district.

15                  viii. Nursing Home. This category does not  
16                  apply as it excludes care for mental  
17                  illness.

18                  C. Haymarket's proposal has components of the  
19                  following:

20                  i. Dwelling. "A dwelling is a building or a  
21                  portion thereof, designed or used  
22                  exclusively for residential occupancy  
23                  including single-family dwellings, two-

1 family dwellings, and multiple-family  
2 dwellings, but not including mobile  
3 homes, hotels, motels, rooming, boarding,  
4 or other lodging houses." This  
5 definition is a good fit for the proposed  
6 recovery homes but not the rest of the  
7 proposed uses.

8 ii. HealthCare Facility. Healthcare  
9 facilities have two subcategories.

10 (1) Clinic: A clinic does not allow any  
11 inpatient care but is appropriate for  
12 outpatient care.

13 (2) Hospital: "A hospital is any  
14 institution, place, building or agency,  
15 public or private, whether organized for  
16 profit or not, devoted primarily to the  
17 maintenance and operation of facilities  
18 for the diagnosis and treatment or care  
19 of two or more unrelated persons admitted  
20 for overnight stay or longer in order to  
21 obtain medical care including obstetric,  
22 psychiatric, and nursing, or care of  
23 illness, disease, injury, infirmity or

1                   deformity." The term "hospital", without  
2                   regard to length of stay, also includes  
3                   "any facility which is devoted primarily  
4                   to providing psychiatric and related  
5                   services and programs for the diagnosis  
6                   and treatment of two or more unrelated  
7                   persons suffering from emotional or  
8                   nervous disease" and "mental or physical  
9                   hospitals." The detox program and  
10                  residential program fit most closely into  
11                  this category.

12                D. The property is in the B-2 Community Business  
13                District which is governed by Section 8.04 of  
14                the zoning code, and was established to  
15                "promote a harmonious, efficient, and  
16                convenient retail shopping district  
17                environment." The district encourages traffic  
18                safety through proper traffic routing and auto  
19                parking, freedom from traffic congestion  
20                through provisions for adequate off-street  
21                parking, and the protection and promotion of  
22                the surrounding residential area. Since the  
23                B-2 district is primarily a business district,

1 the proposed residential use, the recovery  
2 homes component, is not a traditional fit for  
3 the district.

4 E. When a proposed use does not fit into any  
5 existing category under the zoning ordinance,  
6 the Petitioner may either (1) seek a text  
7 amendment or (2) a planned development.

8 Because a text amendment is forever part of  
9 the zoning ordinance, and this type of  
10 proposal seemed unlikely to be reoccurring,  
11 Ms. Malik Jarmusz determined that Haymarket  
12 should apply for a planned development by a  
13 special use.

14 F. Planned development by a special use is  
15 governed by Section 8.04(2) of the zoning  
16 code. A planned development is used when the  
17 use of land contains three or more acres as an  
18 integral unit and combines one or more primary  
19 land uses. Here, Ms. Malik Jarmusz determined  
20 that the uses in Haymarket's proposal include  
21 two primary uses and several secondary uses:

- 22 i. Residential - Dwelling;  
23 ii. HealthCare - Hospital;

- 1           iii. HealthCare - Clinic;
- 2           iv. Childcare;
- 3           v. Education; and
- 4           vi. Dining.

5           G. Because of the multiple uses proposed by  
6           Haymarket, Ms. Malik Jarmusz correctly  
7           determined that a planned development  
8           application was appropriate.

9   **II. THE ZONING ADMINISTRATOR REASONABLY ACCOMMODATED**  
10   **HAYMARKET'S REQUEST TO WAIVE INAPPLICABLE SECTIONS**  
11   **OF THE ZONING ORDINANCE.**

12           Haymarket requested several waivers from  
13           Section 14.12's requirements for planned  
14           development. Because there was no new construction  
15           contemplated by Haymarket, Ms. Malik Jarmusz agreed  
16           that certain subsections of 14.12 were  
17           inapplicable. Haymarket is challenging two  
18           subsections which were not waived by the Zoning  
19           Administrator; the landscape plan and the economic  
20           impact statement.

21           A. The landscape plan requirement was not waived  
22           because the landscaping on the site is  
23           approximately four decades old. Ms. Malik

1 Jarmusz believes the Plan Commission and  
2 Village Board may wish to take this  
3 opportunity to review the existing landscaping  
4 and determine whether the existing plantings  
5 are adequate for the new proposal.

6 B. The economic impact statement was not waived  
7 because Village Staff has concerns about the  
8 impact Haymarket's proposal will have on the  
9 Village's tax revenue and resources. Ms.  
10 Malik Jarmusz asked Haymarket to address these  
11 concerns in an economic impact statement so  
12 the Plan Commission and Village Board can  
13 consider them with Haymarket's proposal.

14 **III. THE ZONING ADMINISTRATOR ACTED WITHIN THE SCOPE OF**  
15 **HER AUTHORITY WHEN REFUSING TO PROCESS AN**  
16 **INAPPLICABLE PETITION AND A LATE PETITION.**

17 A. Ms. Malik Jarmusz, as Director of Community  
18 Development, is the Zoning Administrator per  
19 Itasca Code of Ordinances, Section 30.091.

20 B. Section 14.02(1) states that the Zoning  
21 Administrator "shall be in charge of the  
22 administration and enforcement of this  
23 ordinance" and is responsible for receiving

1 zoning applications and adopting rules and  
2 procedures consistent with the zoning  
3 ordinance.

4 C. Ms. Malik Jarmusz, in her role as Community  
5 Development Director and Zoning Administrator,  
6 regularly works with petitioners, landowners,  
7 and developers to ensure that the materials  
8 submitted to the Plan Commission are  
9 appropriate and complete. She provides  
10 petitioners, landowners, and developers with  
11 feedback and comments on their submittals, and  
12 often requires them to modify or update their  
13 submittals in advance of the Plan Commission  
14 hearing or Village Board meeting. Ms. Malik  
15 Jarmusz believes that it is Staff's  
16 responsibility to ensure each petition before  
17 the Plan Commission and the Village Board are  
18 complete so the Plan Commissioners' and  
19 Trustees' time is not wasted or misused.

20 D. Since petitioners, landowners, and developers  
21 may appeal any of Ms. Malik Jarmusz's  
22 decisions to the Plan Commission and Village  
23 Board where they receive a chance to be heard

1           and have the adverse decision reviewed, their  
2           due process rights are fully protected.

3           E.    In order to ensure that petitions are  
4           appropriate and complete before the public  
5           hearing at the Plan Commission, Village Staff  
6           requires sufficient time to review each  
7           petition, provide feedback to each petitioner,  
8           and prepare the Staff memorandum for the Plan  
9           Commissioners' review in advance of the  
10          hearing. Village Staff works with several  
11          departments, Engineering, Building, Police,  
12          and the Fire Protection District, to ensure  
13          that all concerns are raised before or during  
14          the public hearing. To have an orderly  
15          process, deadlines are announced at the  
16          beginning of the year and enforced.

17                 Here, Haymarket was given a seven-day  
18                 extension to submit all materials for the  
19                 planned development application. Since they  
20                 missed the deadline and the seven-day  
21                 extension, Haymarket's petition was not  
22                 scheduled for the August Plan Commission  
23                 meeting.

1 F. Finally, although numerous petitions with  
2 multiple parts are regularly heard before the  
3 Plan Commission, such as variances, class I  
4 site plan review, subdivision, and special  
5 use, the Plan Commission does not hear  
6 alternative or competing petitions.  
7 Haymarket, here, submitted two special use  
8 petitions in the alternative. Mr. Michael  
9 Roth's cover letter dated July 3rd, 2019  
10 indicated that Haymarket was seeking approval  
11 of its petition for a healthcare special use  
12 and, if that was not the appropriate  
13 application, approval of its petition for a  
14 planned development by special use. This  
15 either/or approach would require Staff to  
16 analyze two separate alternative petitions and  
17 would require this Commission to review these  
18 alternative petitions at the same hearing. To  
19 Ms. Malik Jarmusz's knowledge, this Plan  
20 Commission has never proceeded in this manner,  
21 and she did not think it was appropriate here.

22 G. In her role as Zoning Administrator, Ms. Malik  
23 Jarmusz determined that Haymarket needed to

1 submit a complete petition for a planned  
2 development by a special use and needed to do  
3 so by the deadline in order to be placed on  
4 the agenda for Plan Commission. This is  
5 consistent with the Commission's prior  
6 instructions to Ms. Malik Jarmusz concerning  
7 the role of her office and Staff and is  
8 consistent with how this Commission has  
9 handled petitions in the past.

10 In conclusion, Ms. Malik Jarmusz requests the  
11 Plan Commission uphold her decisions and recommends the  
12 dismissal of Haymarket's appeal. I stand on that  
13 report.

14 CHAIRMAN KISCHNER: Thank you.

15 (Applause.)

16 MR. ROTH: Mr. Chairman, this will take one  
17 minute. I want to close by reiterating that an  
18 important principle overlaying this entire proceeding is  
19 the fact that the proposed healthcare facility is a not-  
20 for-profit, fully licensed and regulated facility for  
21 the diagnosis and treatment and care of disabled  
22 persons. The zoning decisions at issue here have a  
23 direct impact on people that are most in need of these

1 services. The accommodations that we asked for in these  
2 appeals are necessary, reasonable, and required under  
3 the laws of this land.

4 I would finally like to ask for an  
5 opportunity to, I had spoken to Shannon earlier today to  
6 ask if in fact there had been some kind of a response to  
7 our appeal that we filed last week, and she kindly said  
8 yes, she would. Today, I received a copy of her report.  
9 I'd like to have the opportunity to analyze that report  
10 and file a brief response, say within 48 hours.

11 CHAIRMAN KISCHNER: Hang on a second. I  
12 haven't done this before, quite frankly, so I'm going to  
13 turn to my lawyer and say what's our, the Village's --

14 MS. WYSOCKI: Mr. Roth, are you willing to  
15 wait until the next Plan Commission meeting for a ruling  
16 on the appeal then so they have an opportunity to see a  
17 response?

18 MR. ROTH: No, we need to move this along.  
19 It's our hope that we will be able to proceed with our  
20 application for the special use for the healthcare  
21 facility right away. I mean, we need to have, we can't  
22 have this lingering any further. It's been prolonged.

23 MS. WYSOCKI: That was my understanding,

1 that's why I wanted --

2 MR. ROTH: What I'm saying is, in fairness,  
3 and I think it is fair, that you can close the hearing  
4 but leave an opportunity for me to file a response  
5 within, say 48 hours, take it into consideration and get  
6 your recommendations in to the Village Board. It's my  
7 hope that this can be done expeditiously so that we can  
8 get a decision, and perhaps have the application for the  
9 healthcare facility special use heard at the same time  
10 at the Plan Commission in September.

11 I know everybody would like to see this  
12 delayed, but it's important to us that it not be  
13 delayed. We need to move forward with the public  
14 hearings.

15 CHAIRMAN KISCHNER: Please.

16 MS. WYSOCKI: Thank you, Itasca. The reason I  
17 was asking is because it was my understanding that you  
18 wanted to proceed, and this Commission does not meet  
19 again until September 18. So, my concern would be that  
20 they wouldn't have an opportunity to meet and vote on  
21 this appeal until that time.

22 MR. ROTH: Were we expecting a vote tonight on  
23 these appeals, Mr. Chairman?

1 MS. WYSOCKI: That was my understanding.

2 CHAIRMAN KISCHNER: Potentially.

3 MR. ROTH: Oh, if we can, well, potentially,  
4 if you are, fine. If you're not, I'd like to have an  
5 opportunity to respond, to read and respond to that  
6 report. So, I don't think it would prejudice anybody if  
7 I were allowed to do that if you're not going to make  
8 your decision tonight. If you are, then make your  
9 decision.

10 CHAIRMAN KISCHNER: I'm ready to see if  
11 anybody had any questions or comments.

12 MR. ROTH: Sure.

13 CHAIRMAN KISCHNER: And then potentially take  
14 that vote this evening.

15 MR. ROTH: Okay.

16 CHAIRMAN KISCHNER: But if you want to respond  
17 and wait a month, we will give you that opportunity.

18 MR. ROTH: I'd rather have this concluded  
19 tonight. I'd rather have this appeal concluded tonight.

20 CHAIRMAN KISCHNER: Okay.

21 MS. WYSOCKI: That's why I asked.

22 CHAIRMAN KISCHNER: So, with that, does  
23 anybody have any comment or want any clarifying

1 questions for the Petitioner or for Staff?

2 COMMISSIONER CARELLO: If we ask a question,  
3 do we ask it directly to? Who do we, how do we approach  
4 this?

5 MS. WYSOCKI: If your question is for the  
6 Petitioner, you can ask Mr. Roth, and he can decide who  
7 will answer.

8 CHAIRMAN KISCHNER: You'll need to go to the  
9 podium to get on the microphone to respond if that's the  
10 case.

11 MS. WYSOCKI: Yes.

12 COMMISSIONER CARELLO: So, I just kind of, I  
13 had a question actually for Mr. Iosue. So, you  
14 mentioned that in your experience, a planned unit  
15 development should be for new developments.

16 MR. IOSUE: Typically, yes.

17 COMMISSIONER CARELLO: Must it be?

18 MR. IOSUE: No.

19 COMMISSIONER CARELLO: No? Okay.

20 MR. IOSUE: No, there can be a unique  
21 circumstance. I've never seen one, but there could  
22 certainly be a unique circumstance. But it's very  
23 uncommon.

1                   COMMISSIONER CARELLO: And then another one  
2 was you mentioned that most of the needs fit as a  
3 special use for this particular application. But do all  
4 of them fit as a special use?

5                   MR. IOSUE: That was just misspoken on my  
6 part. I feel it clearly --

7                                   (Reaction from audience.)

8                   CHAIRMAN KISCHNER: Please.

9                   COMMISSIONER CARELLO: That's not necessary.

10                   MR. IOSUE: I feel that the definition in your  
11 zoning ordinance of a healthcare facility, all of the  
12 ancillary secondary uses would certainly fit under that  
13 category of healthcare facility. The existing hotel  
14 right now has a number of ancillary secondary uses, has  
15 a conference center, has a restaurant, it has rooms for  
16 people to stay. That's essentially the same process.  
17 There's a couple of extra, you know, there's doctors  
18 involved here, but otherwise it's a very similar use to  
19 the existing hotel.

20                   COMMISSIONER CARELLO: Okay, thank you.

21                   COMMISSIONER DALY: This question is for Mr.  
22 Roth. Since we received our packets and I felt it  
23 appropriate to start doing a little research, I wonder

1 based on Haymarket's website, it seems that there are,  
2 as Ms. Malik said earlier, there are detox beds, there  
3 are treatment beds, and then there are recovery home  
4 beds. So, my first question is does Haymarket have any  
5 facility where all three of these types of beds and  
6 levels of care are all co-housed?

7 MR. ROTH: I can't speak to the other  
8 facilities. Jeff? Or Dan? Jeff Collard is the Vice  
9 President of Operations for Haymarket.

10 MR. COLLARD: Good evening. Our main facility  
11 in Chicago's West Loop does have all of those levels.

12 COMMISSIONER DALY: Okay, so based on the  
13 construction and operation of that site, you know, I'm  
14 new to this, I'm new to the Plan Commission, so I'm  
15 going to play a little bit of ignorance here. I'm not  
16 an attorney. So, I'm trying to unwind the parts where  
17 is there a residential use component integrated into  
18 this request for a healthcare facility special use under  
19 the ordinance?

20 So, we have a clinic and we have a  
21 healthcare facility. The part that I'm wrestling,  
22 whether it's reading through the Illinois compiled  
23 statutes or looking at federal law or, you know,

1 whatever I could find to try and understand this a  
2 little better, you know, community homes, long-term  
3 homes for rehabilitative care, in my mind in this  
4 proposal, whether the residential home component, or if  
5 I'm even calling it correctly, is 30 percent of the beds  
6 used or 10 percent of the beds used. I see that if  
7 someone is allowed or is a guest for treatment purposes  
8 to stay up to 364 days, almost a full year, and they  
9 come and go, you know, I see hospitals and I see you go  
10 to the hospital, you are there for an extended period of  
11 time and you leave. Generally, hopefully, you don't  
12 come back.

13 I see the part of this development where  
14 people who are in longer-term care, they're  
15 reintegrating into the community, they're going to jobs,  
16 they're coming back. I see this part of the development  
17 more as a college dormitory type arrangement, even if  
18 it's only 10 to 15 percent. I don't know what the  
19 percentage of beds would be. But that is clearly, in my  
20 mind, a residential. I mean, you go to residence halls,  
21 if you go to college and you live there, you're in a  
22 residence hall and you don't have your own bathroom and  
23 you don't have your own dining facility, but you come

1 and go.

2 On the clinic side, I understand, you  
3 know, the outpatient care and all that stuff. I  
4 understand the detox piece clearly fits within a  
5 hospital, I mean, to me that screams hospital, emergency  
6 care, things of that nature.

7 The co-mingled nature of all these  
8 different uses, per Shannon's comments, I mean, that's  
9 the part that I really struggle with. Because I wonder  
10 about the level of security for people who come and go  
11 and then say it's a healthcare facility. Because in my  
12 mind, a mental health facility, there is a structured  
13 security component for the protection of the residents  
14 and the general public, and that's where all this kind  
15 of blurs together for me.

16 So, in a long, drawn out way, what  
17 percentage under your plan of the beds would be, excuse  
18 me, devoted to the residential home piece? If there's  
19 168 beds, I mean, under your current operating plan or  
20 your proposed operating plan for this facility, is it 25  
21 percent? Is it 50 percent?

22 MR. ROTH: If I may, sir, just to ask for  
23 clarification, when you're speaking, you're speaking of

1 the recovery home, what percentage is recovery home?  
2 Because when you use the term residential, our answer is  
3 zero. There's zero percent it is residential. I base  
4 that on the fact, the correct interpretation of the  
5 Village of Itasca's codes in its own definitions, the  
6 term recovery home is a term that arises out of the  
7 Illinois administrative regulatory scheme. That's how  
8 the word recovery home came about, and that's what is  
9 going to be used and it's going to be an element of, and  
10 I think it's what you're speaking to, an element of what  
11 this project will be.

12                   But when you speak to residential use,  
13 our answer is zero. That's why we believe that there  
14 are not multiple primary uses. There's the recovery  
15 home aspect of the healthcare facility, but it's not a  
16 residential use.

17                   You asked fair questions. You asked fair  
18 questions about, well, what's going to go on in the  
19 recovery home. Those are legitimate, fair questions.  
20 But we should be entitled to proceed with a healthcare  
21 facility special use application to let all that be  
22 borne out and to answer all your questions in that  
23 regard.

1                   But I don't want, what I want to do and  
2 why I'm stepping in is because I don't want to intermix  
3 the references to the terms recovery home and  
4 residential, because recovery homes aren't residential.  
5 Can't have families as required under your residential  
6 codes. You don't have dwelling units as required on  
7 your codes. The residential zoning doesn't apply per  
8 its own terms, it's not residential, and we're talking  
9 tonight about your zoning code. That's my basis for  
10 that.

11                   COMMISSIONER DALY: Okay, I appreciate your  
12 response. I guess based on that, and I understand, you  
13 know, you've got two concurrent applications and  
14 petitions, but I think the part I'm still struggling  
15 with is whether you call it a recovery home with no  
16 residential, if it doesn't fall under residential in the  
17 current zoning code and it is a recovery home under, you  
18 know, compiled statute, whatever it is. But anyway, the  
19 part, you know, are we mixing, is this semantics at this  
20 point? Or is it more about when the zoning code was  
21 written, whenever it was, where facilities of this  
22 nature in operation in the area, where we could look at  
23 a Haymarket when the zoning code was written and then

1 you go into the text amendment piece, so I guess what  
2 I'm struggling with still is I would in my mind, if you  
3 say it's not a dwelling unit, it's not a residential use  
4 but you call it a recovery home, people sleep there,  
5 people eat there, people come and go and for up to one  
6 year, much like a college dormitory, that is their bed,  
7 that is where they come every night to sleep and then  
8 they go about their business.

9                   So, in my mind, that's the part I'm  
10 struggling with. If it's, and maybe back to the  
11 original question, how many beds under the current plan  
12 would be devoted to that use?

13                   MR. COLLARD: I don't have that fact in mind,  
14 but I believe that it was in the written response by Ms.  
15 Jarmusz.

16                   MS. WYSOCKI: 168.

17                   MS. MALIK JARMUSZ: Right, that's correct.

18                   COMMISSIONER DALY: There's 168 beds total in  
19 the building?

20                   MS. WYSOCKI: I'm sorry, my understanding is  
21 that the hotel currently has 168 rooms. I don't know  
22 how many rooms are going to be kept by the Petitioner.  
23 I'm not sure about that in the current plans.

1           CHAIRMAN KISCHNER:  And are they single or  
2 double rooms?

3           MR. COLLARD:  They will typically be double --

4           CHAIRMAN KISCHNER:  Double.

5           MR. ROTH:  -- of unrelated persons.  No  
6 families.

7           CHAIRMAN KISCHNER:  Okay.

8           COMMISSIONER DALY:  I have no further  
9 questions at this point.

10          COMMISSIONER SWETS:  So, I'd like to ask a  
11 question.  I don't know which one it falls under, but  
12 the people that are staying there, if it's the recovery  
13 home, there's going to be dining, I'm sure there's a  
14 cafeteria.  Are there going to be any shared kitchens in  
15 the area?  So, like you're going to have one kitchen per  
16 floor, anything like that?  Or is it strictly going to  
17 be you have to either eat on your own outside the  
18 facility or eat in the cafeteria?

19          MR. COLLARD:  The cafeteria is for the whole  
20 building.

21          COMMISSIONER SWETS:  And that's, there's no  
22 other kitchens or anything else in the building?

23          MR. COLLARD:  Correct.

1 COMMISSIONER HOLMES: I don't have a question.

2 CHAIRMAN KISCHNER: Okay, I don't have any  
3 questions at this point. I'm just taking notes during  
4 the procedure and, you know, listening to both sides.  
5 Certainly, my notes don't cover everything because I  
6 couldn't write as fast as things were progressing, but  
7 just a few of my thoughts are that, you know, as I see  
8 it, the reasoning that was employed by Staff seems  
9 logical. It seems reasonable.

10 Unfortunately, our code can be  
11 interpreted by reasonable in a different way. There's  
12 some areas that contradict each other in there. We are  
13 trying to fix that.

14 The Zoning Administrator did waive  
15 certain items out of 14.12. This shows flexibility and  
16 a willingness to work with Haymarket. 14.02 clearly  
17 states the Zoning Administrator shall be in charge of  
18 the administration and enforcement of the ordinance, so  
19 I think she had the, I'll say right to make the  
20 decisions that she did.

21 Also, we have asked the Community  
22 Development Administrator in the past to ensure  
23 applications are complete. Minor exceptions are

1 sometimes made certainly. But the economic statement  
2 alone, to me, is not a minor exception. It's a major  
3 exception that, you know, if allowed would have been  
4 unacceptable.

5 So, I think the decisions that were made  
6 by the Administrator were appropriate in this case. So,  
7 that's my thoughts on the matter at this point.

8 Any other comments, questions from the  
9 Commissioners? I'm going to turn to you. Do you have  
10 anything to read us? This is new territory for us.

11 MS. WYSOCKI: I know, I know. If there's  
12 nothing else that the Petitioner has to add, or Staff,  
13 then I think you're ready for a motion.

14 CHAIRMAN KISCHNER: We are ready for a motion.

15 COMMISSIONER DRUMMOND: I have a question  
16 about the motion. Do we need to read it in favor or  
17 against?

18 MS. WYSOCKI: So, on the agenda, sorry,  
19 there's four appeals listed. I think just to make a  
20 clean record, it would be helpful if we went through  
21 each one individually. You can move it however,  
22 whatever you want to move.

23 COMMISSIONER DRUMMOND: Usually, you just vote

1 for it one way.

2 CHAIRMAN KISCHNER: Right.

3 COMMISSIONER DRUMMOND: And if all of us are  
4 against, that's it, that's the end of it. Right?

5 MS. WYSOCKI: We want to make sure that it's  
6 clear to the Village Board if you're recommending --

7 COMMISSIONER DRUMMOND: If we're all in favor?

8 MS. WYSOCKI: For or against. So, if you're  
9 moving to recommend --

10 CHAIRMAN KISCHNER: Let's recommend in the  
11 positive like we always do.

12 COMMISSIONER DRUMMOND: Okay, right.

13 CHAIRMAN KISCHNER: To be consistent, and then  
14 we will take a vote for or against each individual  
15 motion. Correct? Or do you want to vote on it as a  
16 whole?

17 MS. WYSOCKI: Well, if you want to make a  
18 motion in the positive like we typically do and that  
19 motion fails, then --

20 COMMISSIONER DRUMMOND: We do another one.

21 MS. WYSOCKI: You should do another motion in  
22 the negative so that it's clear what the recommendation  
23 is to the Village Board.

1           COMMISSIONER DRUMMOND: But if the first one  
2 is in favor, we don't need it.

3           MS. WYSOCKI: You don't, no, you don't have to  
4 do it twice.

5           COMMISSIONER DRUMMOND: Okay, got it. All  
6 right. I would like to make a motion to recommend the  
7 Appeal No. 1, to recommend granting Petitioner's appeal  
8 of the Zoning Administrator's decision dated July 16,  
9 2019 rejecting Petitioner's special use application for  
10 healthcare facility.

11           COMMISSIONER CARELLO: I'm sorry, I'm still, I  
12 just want to make sure I understand how these are  
13 written.

14           COMMISSIONER DRUMMOND: We are voting for the  
15 Petitioner against the Zoning Administrator.

16           COMMISSIONER CARELLO: So, the way to agree,  
17 we're voting --

18           CHAIRMAN KISCHNER: A for vote would be  
19 agreeing with the Petitioner.

20           COMMISSIONER HOLMES: Granting the appeals.

21           CHAIRMAN KISCHNER: Granting the appeal. A no  
22 vote would be --

23           COMMISSIONER CARELLO: Because they're written

1 very odd, and I don't necessarily like it the way  
2 they're written.

3 MS. WYSOCKI: Frank, if you want to make your  
4 own motion, feel free, that's fine. Is there even a  
5 motion on the table? I don't know.

6 CHAIRMAN KISCHNER: I'm waiting to see if  
7 Frank is comfortable. Let him read it.

8 COMMISSIONER DRUMMOND: You want to second  
9 this motion.

10 COMMISSIONER SWETS: Let's just say if we  
11 second it and we go for the vote, if we start on that  
12 side, that gives him a little more time. We've done  
13 that before.

14 CHAIRMAN KISCHNER: We have done that before.

15 COMMISSIONER SWETS: It gives him like an  
16 extra 30 seconds. I mean, they are unclear, so it does  
17 take a little bit of time to --

18 CHAIRMAN KISCHNER: Basically, a for vote,  
19 well, do you understand what the motions say, Frank?

20 COMMISSIONER CARELLO: Yes, I do.

21 CHAIRMAN KISCHNER: Okay, so if you understand  
22 what the motions say, if you're voting for, you're  
23 voting with the Petitioner. If you're voting against,

1 you're voting against the Petitioner.

2 COMMISSIONER DALY: What will happen is we'll  
3 read the negative proposal and then we'll all have to  
4 agree when we make our second vote known --

5 CHAIRMAN KISCHNER: The opposite of what you  
6 just did. It would be the opposite of what you just  
7 voted, whatever that might have been. Does that make  
8 sense?

9 COMMISSIONER CARELLO: Yes.

10 CHAIRMAN KISCHNER: Okay, so do I get a second  
11 on that motion?

12 COMMISSIONER DALY: Second.

13 CHAIRMAN KISCHNER: So, we are ready for a  
14 vote.

15 MS. ESPEDIDO: Commissioner Daly.

16 COMMISSIONER DALY: Excuse me, has the full  
17 motion been read?

18 COMMISSIONER DRUMMOND: Yes.

19 CHAIRMAN KISCHNER: Yes, for the first one.

20 COMMISSIONER DRUMMOND: For in favor. Want me  
21 to read it again?

22 COMMISSIONER DALY: Yes, just read it one more  
23 time please.

1 CHAIRMAN KISCHNER: We're going to re-read it.

2 Time has gone by.

3 COMMISSIONER DRUMMOND: Okay, for Appeal No.  
4 1, in favor of the motion to recommend granting  
5 Petitioner's appeal of the Zoning Administrator's  
6 decision dated July 16th, 2019 rejecting Petitioner's  
7 special use application for healthcare facility.

8 COMMISSIONER CARELLO: See, it's not written  
9 right. They're not written right.

10 CHAIRMAN KISCHNER: Okay, so let's go to our  
11 counselor for clarification.

12 MS. WYSOCKI: Okay, so let's just look at  
13 Appeal No. 1 on the agenda. You can look at the Appeal  
14 No. 1 on the agenda.

15 COMMISSIONER DRUMMOND: Can I just try?

16 MS. WYSOCKI: Go for it.

17 COMMISSIONER DRUMMOND: Shannon had rejected  
18 the Petitioner's request. So, the Petitioner is asking  
19 us to grant the appeal. That's why the word in the  
20 second part of that motion is saying rejecting  
21 Petitioner, because Shannon rejected the Petitioner's  
22 application.

23 COMMISSIONER CARELLO: But the way it reads,

1 we recommend granting Petitioner's --

2 COMMISSIONER DRUMMOND: Appeal.

3 COMMISSIONER CARELLO: -- or rejecting the  
4 Petitioner's --

5 COMMISSIONER DRUMMOND: By rejecting --

6 COMMISSIONER CARELLO: That's what it says  
7 here. We recommend granting Petitioner's appeal by  
8 rejecting the Petitioner's --

9 COMMISSIONER DALY: No, her decision was  
10 rejecting. So, if you are against the idea of them  
11 getting their appeal, you vote against the first motion,  
12 and then you would vote for the second motion.

13 CHAIRMAN KISCHNER: Okay, we have a --

14 MS. WYSOCKI: Lori, if I --

15 COMMISSIONER DRUMMOND: Should I move on?

16 MS. WYSOCKI: No, no, no. To clarify, you can  
17 move to recommend approval or granting of the  
18 Petitioner's No. 1. Is that what you --

19 COMMISSIONER DRUMMOND: Okay.

20 MS. WYSOCKI: Do you want to make that motion?

21 COMMISSIONER CARELLO: For decision dated July  
22 16th rejecting Petitioner's application.

23 COMMISSIONER DRUMMOND: Okay, we're not going

1 to do that motion. We're not doing that motion.

2 CHAIRMAN KISCHNER: Well, that's up to you,  
3 but we're not --

4 COMMISSIONER CARELLO: But that's why we  
5 should --

6 CHAIRMAN KISCHNER: Well, hang on, hang on.  
7 We're going to read it a different way. We're going to  
8 try a different way. Just for the audience, I've been  
9 on this Plan Commission for 17 years or so, this is our  
10 first appeal process. So, this is new to us.

11 AUDIENCE MEMBER: We know.

12 CHAIRMAN KISCHNER: Yes.

13 MS. WYSOCKI: Apparently, the lawyer was not  
14 as clear as she needed to be.

15 COMMISSIONER DRUMMOND: For Appeal No. 1,  
16 motion to recommend granting the Petitioner's appeal, in  
17 favor of the Petitioner's appeal. Second?

18 COMMISSIONER DALY: Second.

19 MS. ESPEDIDO: Commissioner Daly.

20 COMMISSIONER DALY: Against.

21 MS. ESPEDIDO: Commissioner Carello.

22 COMMISSIONER CARELLO: Against.

23 MS. ESPEDIDO: Commissioner Swets.

1 COMMISSIONER SWETS: Against.

2 MS. ESPEDIDO: Commissioner Holmes.

3 COMMISSIONER HOLMES: Against.

4 MS. ESPEDIDO: Commissioner Drummond.

5 COMMISSIONER DRUMMOND: Against.

6 MS. ESPEDIDO: Commissioner Ray.

7 COMMISSIONER RAY: Against.

8 CHAIRMAN KISCHNER: Okay, thank you.

9 COMMISSIONER DRUMMOND: Now, we need a motion

10 for --

11 CHAIRMAN KISCHNER: In the opposite.

12 COMMISSIONER DRUMMOND: Against. So, for

13 Appeal No. 1, we have a motion to recommend denial of

14 Petitioner's appeal.

15 CHAIRMAN KISCHNER: Do I have a second?

16 COMMISSIONER CARELLO: Second.

17 MS. ESPEDIDO: Commissioner Daly.

18 COMMISSIONER DALY: For.

19 MS. ESPEDIDO: Commissioner Carello.

20 COMMISSIONER CARELLO: For.

21 MS. ESPEDIDO: Commissioner Swets.

22 COMMISSIONER SWETS: For.

23 MS. ESPEDIDO: Commissioner Holmes.

1 COMMISSIONER HOLMES: For.

2 MS. ESPEDIDO: Commissioner Drummond.

3 COMMISSIONER DRUMMOND: Agree.

4 MS. ESPEDIDO: Commissioner Ray.

5 COMMISSIONER RAY: Agree.

6 CHAIRMAN KISCHNER: Okay, thank you. So, that

7 one, we'll say failed Appeal No. 1. We're getting the

8 hang of this now. Let's go to No. 2.

9 COMMISSIONER DRUMMOND: Okay, Appeal No. 2,

10 motion to recommend granting Petitioner's appeal.

11 COMMISSIONER HOLMES: Second.

12 MS. ESPEDIDO: Commissioner Daly.

13 COMMISSIONER DALY: Against.

14 MS. ESPEDIDO: Commissioner Carello.

15 COMMISSIONER CARELLO: Against.

16 MS. ESPEDIDO: Commissioner Swets.

17 COMMISSIONER SWETS: Against.

18 MS. ESPEDIDO: Commissioner Holmes.

19 COMMISSIONER HOLMES: Against.

20 MS. ESPEDIDO: Commissioner Drummond.

21 COMMISSIONER DRUMMOND: Against.

22 MS. ESPEDIDO: Commissioner Ray.

23 COMMISSIONER RAY: Against.

1           COMMISSIONER DRUMMOND: Appeal No. 3 -- I'm  
2 sorry. Appeal No. 2, we have to do the opposite.  
3 Motion to recommend denial of Petitioner's appeal.

4           COMMISSIONER CARELLO: Second.

5           MS. ESPEDIDO: Commissioner Daly.

6           COMMISSIONER DALY: Agree.

7           MS. ESPEDIDO: Commissioner Carello.

8           COMMISSIONER CARELLO: Agree.

9           MS. ESPEDIDO: Commissioner Swets.

10          COMMISSIONER SWETS: Agree.

11          MS. ESPEDIDO: Commissioner Holmes.

12          COMMISSIONER HOLMES: Agree.

13          MS. ESPEDIDO: Commissioner Drummond.

14          COMMISSIONER DRUMMOND: Agree.

15          MS. ESPEDIDO: Commissioner Ray.

16          COMMISSIONER RAY: Agree.

17          COMMISSIONER DRUMMOND: Appeal No. 3, motion  
18 to recommend granting Petitioner's appeal.

19          COMMISSIONER RAY: I second.

20          CHAIRMAN KISCHNER: We're ready.

21          MS. ESPEDIDO: Commissioner Daly.

22          COMMISSIONER DALY: Against.

23          MS. ESPEDIDO: Commissioner Carello.

1 COMMISSIONER CARELLO: Against.

2 MS. ESPEDIDO: Commissioner Swets.

3 COMMISSIONER SWETS: Against.

4 MS. ESPEDIDO: Commissioner Holmes.

5 COMMISSIONER HOLMES: Against.

6 MS. ESPEDIDO: Commissioner Drummond.

7 COMMISSIONER DRUMMOND: Against.

8 MS. ESPEDIDO: Commissioner Ray.

9 COMMISSIONER RAY: Against.

10 COMMISSIONER DRUMMOND: Appeal No. 3, motion  
11 to recommend denial of Petitioner's appeal.

12 COMMISSIONER RAY: Second.

13 MS. ESPEDIDO: Commissioner Daly.

14 COMMISSIONER DALY: Agree.

15 MS. ESPEDIDO: Commissioner Carello.

16 COMMISSIONER CARELLO: Agree.

17 MS. ESPEDIDO: Commissioner Swets.

18 COMMISSIONER SWETS: Agree.

19 MS. ESPEDIDO: Commissioner Holmes.

20 COMMISSIONER HOLMES: Agree.

21 MS. ESPEDIDO: Commissioner Drummond.

22 COMMISSIONER DRUMMOND: Agree.

23 MS. ESPEDIDO: Commissioner Ray.

1           COMMISSIONER RAY: Agree.

2           COMMISSIONER DRUMMOND: Appeal No. 4, motion  
3 to recommend granting Petitioner's appeal.

4           COMMISSIONER RAY: Second.

5           MS. ESPEDIDO: Commissioner Daly.

6           COMMISSIONER DALY: Against.

7           MS. ESPEDIDO: Commissioner Carello.

8           COMMISSIONER CARELLO: Against.

9           MS. ESPEDIDO: Commissioner Swets.

10          COMMISSIONER SWETS: Against.

11          MS. ESPEDIDO: Commissioner Holmes.

12          COMMISSIONER HOLMES: Against.

13          MS. ESPEDIDO: Commissioner Drummond.

14          COMMISSIONER DRUMMOND: Against.

15          MS. ESPEDIDO: Commissioner Ray.

16          COMMISSIONER RAY: Against.

17          COMMISSIONER DRUMMOND: Appeal No. 4, motion  
18 to recommend denial of Petitioner's appeal.

19          COMMISSIONER RAY: Second.

20          MS. ESPEDIDO: Commissioner Daly.

21          COMMISSIONER DALY: Agree.

22          MS. ESPEDIDO: Commissioner Carello.

23          COMMISSIONER CARELLO: Agree.

1 MS. ESPEDIDO: Commissioner Swets.

2 COMMISSIONER SWETS: Agree.

3 MS. ESPEDIDO: Commissioner Holmes.

4 COMMISSIONER HOLMES: Agree.

5 MS. ESPEDIDO: Commissioner Drummond.

6 COMMISSIONER DRUMMOND: Agree.

7 MS. ESPEDIDO: Commissioner Ray.

8 COMMISSIONER RAY: Agree.

9 CHAIRMAN KISCHNER: Okay, thank you. So, all  
10 four appeals failed. The next part of the process, I  
11 will let Staff explain to you because I'm not sure where  
12 we go from here. I believe you're going to see us next  
13 month.

14 MS. MALIK JARMUSZ: The appeal will next  
15 proceed to the Village Board. So, we'll work with the  
16 Petitioner at the Staff level to get the recommendation  
17 of the Plan Commission scheduled. The public hearing  
18 for the pending petition for special use for planned  
19 development is scheduled for Wednesday, September 18th.

20 As of right now, the meeting is scheduled to occur at  
21 Peacock Middle School to have a larger venue.

22 Please keep your eye on the Village  
23 website, itasca.com, there's a page for this project.

1 So, if there are updates or venue changes, we'll  
2 certainly let you know there.

3 COMMISSIONER DALY: Shannon, I have a question  
4 if I may. The documents we've received for this  
5 meeting, because there were exemptions requested as  
6 though we were moving forward with the planned unit  
7 development, should we hold these documents? Or will  
8 these all be reprinted and redistributed post Village  
9 Board meeting?

10 MS. MALIK JARMUSZ: So, you'll get the filing  
11 that was made by the Petitioner for the public hearing  
12 as a separate set of documents.

13 CHAIRMAN KISCHNER: Okay, thank you.

14 MR. ROTH: Thank you.

15 CHAIRMAN KISCHNER: We're going to move on to  
16 our next item which is project updates. Do you have any  
17 quick updates for us?

18 MS. MALIK JARMUSZ: Real quick, you've  
19 probably seen that grading work has started out at the  
20 Bridge site after they got those towards towers down a  
21 few weeks back. I have nothing further tonight.

22 CHAIRMAN KISCHNER: Wonderful. Then I'm  
23 looking for a motion to adjourn.

1 COMMISSIONER CARELLO: So moved.

2 COMMISSIONER SWETS: Second.

3 CHAIRMAN KISCHNER: Okay, we have lots of  
4 seconds. All in favor?

5 (Chorus of ayes.)

6 CHAIRMAN KISCHNER: We actually get out of  
7 here before 9:30. How about that?

8 (Applause.)

9 (Whereupon, at 9:10 p.m., the public  
10 hearing on the above-mentioned petition  
11 was adjourned.)

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1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF COOK )  
4

5 I, RON LEGRAND, SR., depose and  
6 say that I am a digital court reporter doing  
7 business in the State of Illinois; that I  
8 reported verbatim the foregoing proceedings  
9 and that the foregoing is a true and correct  
10 transcript to the best of my knowledge and  
11 ability.

12  
13 \_\_\_\_\_  
14 RON LEGRAND, SR.

15  
16  
17 SUBSCRIBED AND SWORN TO  
18 BEFORE ME THIS \_\_\_\_\_ DAY OF  
19 \_\_\_\_\_, A.D. 2019.

20  
21 \_\_\_\_\_  
22 NOTARY PUBLIC

23

**RESOLUTION NO. 1149-19**

**A RESOLUTION APPROVING THE ZONING ADMINISTRATOR'S ACTIONS  
AND DENYING HAYMARKET DUPAGE, LLC'S APPEAL OF  
THE ZONING ADMINISTRATOR'S DECISIONS**

WHEREAS, Haymarket DuPage, LLC ("Petitioner") appealed four decisions of the Village of Itasca's Zoning Administrator relating to her handling of the Petitioner's proposal for the property at 860 W. Irving Park Road; and

WHEREAS, the Petitioner appealed the following decisions of the Zoning Administrator:

Appeal Issue 1- Decision dated July 16, 2019 rejecting Petitioner's special use application for healthcare facility;

Appeal Issue 2- Decision dated July 24, 2019 that Plan Commission will not allow concurrent processing of Petitioner's two special use applications, one for special use for a healthcare facility and one for a planned development;

Appeal Issue 3- Decision dated May 9, 2019 that an application for special use for planned development is required; and

Appeal Issue 4- Decision dated June 25, 2019 to deny Petitioner's requested exemptions from certain Planned Development requirements.

WHEREAS, the Village Plan Commission reviewed the written materials submitted by the Petitioner and Zoning Administrator, heard arguments and testimony from the Petitioner and Zoning Administrator on August 21, 2019, and recommended denial of all four appeals.

NOW, THEREFORE, BE IT RESOLVED by the President and the Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: The corporate authorities of the Village of Itasca hereby adopt the Plan Commission's recommendation and deny Petitioner's appeals of the Zoning Administrator's decisions.

SECTION TWO: SEVERABILITY. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

SECTION THREE: REPEAL OF PRIOR RESOLUTIONS. All prior Resolutions and Ordinances in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FOUR: EFFECTIVE DATE. This Resolution shall be in effect immediately from and after its passage and approval.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

APPROVED and ADOPTED by the Village President and Board of Trustees of the  
Village of Itasca this 17<sup>th</sup> day of September, 2019.

APPROVED:

\_\_\_\_\_  
Village President Jeffery J. Pruyn

ATTEST:

\_\_\_\_\_  
Village Clerk Jody Conidi