

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

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.)

12

13

14

15

16

17

18

19

20

21

22

23

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