

Via Personal Delivery

July 3, 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 Ms. Malik Jarmusz:

As we have discussed, we represent the Haymarket DuPage, LLC which is under contract to purchase the Holiday Inn property located at 860 W. Irving Park Road, Itasca, IL. We are submitting today three zoning applications: (1) for approval of a B-2 special use for a health center, in conjunction with (2) approval of a building height variance and a front setback variance to permit the existing special use structure to remain as is; and (3) for approval of a B-2 special use for a planned development as a health center. Haymarket DuPage recognizes that a Class I Site Plan is required in order to receive a special use for a health center at this location, and is also requesting approval of same.

With these applications we are submitting 18 binders containing copies of the signed applications and attachments for each, together with supporting documents. Specifically, the supporting documents included in each binder - and applicable to each of the three applications - include:

1. Legal description
2. Statement of Applicant ownership
3. Detailed dynamic survey with location map showing existing sight improvements
4. June 3, 2019 ALTA survey including topographical elevations
5. Existing structure elevations
6. Executive Summary of traffic and parking study

7. Photometric Plan with lighting standard details
8. Statement of bulk deviations
9. Interior Floorplan with area/occupancy tabulations

We are also submitting:

1. a check in the amount of \$300.00 for each of the two special use applications
2. a check in the amount of \$250.00 for the variance application
3. a letter from the property owner authorizing the filing of these zoning applications
4. an executed Itasca Consultant Services Agreement
5. one full traffic and parking study
6. a flash drive containing these filing materials
7. applicability/exemption letter from Shannon Malik Jarmusz dated 6/25/19

We request that these applications be placed on the August 21, 2019 Plan Commission meeting agenda for public hearing and presentation. We will work with your office to coordinate public notices. In addition to the information and support being filed today, we intend to present prior to hearing, additional, relevant consultant reports and detailed information relating to the operations of the proposed health center, such as security, landscaping and economic impact. We will also provide information detailing the replacement of the existing identification sign.

Don Musil and I met with you and Kon Savoy in your offices on April 25, 2019 to discuss Haymarket DuPage's land use proposal and the applicable health center zoning at this location zoned B-2. We explained that the health center would require special use approval plus a height variance to allow the use of the existing 5-story building. You said that you would look into the matter and get back to us with your position. We met again at your offices on April 30, 2019 with you, the Village president, the Village administrator, and the Village attorney to discuss the Haymarket plan, to answer questions, and to again request your concurrence as to the required zoning. By letter dated May 9, 2019, you stated that Haymarket DuPage's proposed health center included a residential land use component in addition to medical care, thus having two primary land uses and requiring approval of a planned development. We then met with you once again on June 5, 2019 to voice our objections to this interpretation and to get clarification as to the application of planned development standards, and compliance with the planned development process.

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. We explained that the "use" proposed for the property and existing 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 dwellings or 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. We also explained that 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 purposes of a planned development, as stated in Section 14.12(1), simply do not apply when there is no development, redevelopment, or mixed uses of the site.

We request that the Plan Commission make a finding and recommendation to the Village Board that planned development approval is not applicable or required in this instance, and that the matter may be properly and adequately addressed through the health center special use, variance, and site plan processes. If the Village agrees, then we request that the Village approve the health center special use and variances, and return the second special use filing fee to Haymarket DuPage.

If, other the other hand, the Plan Commission determines that Haymarket DuPage must secure planned development approval for this project, then the application for a planned development special use is properly before the Village for approval. And in that case, just as we asked during our discussion on June 5th and in previous discussions, we are also requesting a determination that those certain filing requirements and standards be deemed inapplicable, and be waived or exempted as allowed under the Village Zoning Code and as fair, appropriate and reasonable accommodations for the disabled people Haymarket DuPage will serve at this location.

You agreed that there are certain requirements that can be waived or for which an applicant can be exempted, and per your request we sent you a list of the specific provisions we request be waived, exempted and confirmed as inapplicable. You responded by letter dated June 25, 2019 agreeing with some of our requests. (copy attached).

Haymarket DuPage looks forward to becoming a part of the Itasca community, and hopes the proposed plan will gain the support of the Village. Please do not hesitate to call me with any questions or comments. Thank you.

Very truly yours,

ICE MILLER LLP



Michael M. Roth