

In the Matter Of:
HAYMARKET DuPAGE LLC

REPORT OF PROCEEDINGS

September 22, 2021

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1 PRESENT:

2 MR. BRENDAN DALY, Chairman;

3 MR. FRANK CARELLO, Commissioner;

4 MS. LORI DRUMMOND, Commissioner;

5 MR. JEFFREY HOLMES, Commissioner;

6 MS. KRISTA RAY, Commissioner;

7 MR. ANTHONY RUSSO, Commissioner.

8 ALSO PRESENT:

9 MS. YORDANA WYSOCKI, Village Attorney;

10 MR. MO KHAN, Village Planner;

11 HERVAS, CONDON & BERSANI, P.C., by

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Appeared on behalf of City of Itasca;

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8 Appeared on behalf of Itasca School District;

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15 Appeared on behalf of 865 West Irving Park
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23 Appeared on behalf of Itasca Fire Protection
24 District.

MR. DAN LUSTIG,
CHIEF JAMES BURKE.

1 CHAIRMAN DALY: Good evening, everyone.

2 Today is Wednesday, September 22nd, 2021.

3 The case before the Plan Commission
4 is PC 19-014 continued from September 8th, 2021.

5 The petitioner and owner is Haymarket DuPage, LLC,
6 and the location is 860 West Irving Park Road.

7 I call this meeting to order. Will
8 the secretary please call the roll.

9 MR. KHAN: Commissioner Carello?

10 COMMISSIONER CARELLO: Here.

11 MR. KHAN: Commissioner Drummond?

12 COMMISSIONER DRUMMOND: Here.

13 MR. KHAN: Commissioner Holmes?

14 COMMISSIONER HOLMES: Here.

15 MR. KHAN: Commissioner Ray?

16 COMMISSIONER RAY: Here.

17 MR. KHAN: Commissioner Russo?

18 COMMISSIONER RUSSO: Here.

19 MR. KHAN: Chairman Daly?

20 CHAIRMAN DALY: Here.

21 Okay. I declare a forum present.

22 Okay. So the process for this
23 evening is the Plan Commission now is going to
24 deliberate the findings of fact for the case. The

1 business before the Commission this evening is the
2 public hearing on Case No. PC 19-014.

3 The request is for a petition for a
4 planned development by special use with exceptions
5 and Class 1 Cite plan approval all in order to
6 permit a mixed-use residential and healthcare
7 facility and other accessory uses in the B-2
8 Community Business District at 860 West Irving Park
9 Road.

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

12 COMMISSIONER HOLMES: So moved.

13 COMMISSIONER RAY: Second; Ray.

14 CHAIRMAN DALY: There's a motion and a
15 second. Will the secretary please call the vote.

16 MR. KHAN: Commissioner Carello?

17 COMMISSIONER CARELLO: For.

18 MR. KHAN: Commissioner Drummond?

19 COMMISSIONER DRUMMOND: For.

20 MR. KHAN: Commissioner Holmes?

21 COMMISSIONER HOLMES: For.

22 MR. KHAN: Commissioner Ray?

23 COMMISSIONER RAY: For.

24 MR. KHAN: Commissioner Russo?

1 COMMISSIONER RUSSO: For.

2 MR. KHAN: Chairman Daly?

3 CHAIRMAN DALY: For.

4 I declare this meeting open.

5 At this time our Village Counsel
6 Ms. Yordana Wysocki is going to be running a
7 PowerPoint on the screens for everyone to see. We
8 will be speaking to each slide as it comes up to
9 have the discussion and deliberate on the findings
10 of fact.

11 MS. WYSOCKI: Thank you, Chairman.

12 Just to inform -- remind the Plan
13 Commission and inform the -- anyone who has not been
14 following along, this is a summary of the proposal.
15 It's a planned development by special use in order
16 to permit a mixed-use residential and healthcare
17 facility and other accessory uses in the B-2
18 Community District.

19 The two exceptions that have been
20 requested is for a front yard setback and a building
21 height. Both of those exceptions are for existing
22 conditions on the site.

23 The other thing that's being
24 requested at this time is a Class I site plan. Just

1 to orientate yourselves, this is location at Irving
2 Park and 290.

3 The zoning ordinance requires under
4 Section 14.12(7) that planned developments cannot be
5 authorized unless the Plan Commission finds and
6 recommends, in addition to the standards established
7 for special uses, that certain standards are met.

8 So we're going to start with the
9 Special Use Standards. The Special Use Standards
10 can be found in Section 14.11(7) of the zoning
11 ordinance, and those four standards are up on the
12 screen now. We're going to go through -- or not up
13 on the screen now.

14 There we go. Sorry. I am trying
15 to do my own tabbing remote of this and I'm not as
16 good as some of the other presenters.

17 The four standards are up on the
18 screen. We're going to go through them one by one.

19 So the first standard is that the
20 approval of such special use is in the public
21 interest and not solely for the interest of the
22 applicant.

23 I have a proposed finding for the
24 Plan Commission to discuss and consider that reads

1 that the proposed use will provide life-saving
2 treatment to those suffering from substance use
3 disorder and behavioral health issues. Evidence
4 establishes that there is a lack of treatment and
5 recovery home beds in DuPage and the collar
6 counties, including the number of residents in need
7 of treatment services and the number of deaths due
8 to overdoses.

9 And I'm going to turn it over to
10 the commission -- commissioners if you have any
11 comments or discussion on this proposed finding.

12 CHAIRMAN DALY: This is Chairman Daly. I
13 have no issue with this finding.

14 COMMISSIONER RUSSO: Nor do I.

15 COMMISSIONER RAY: Commissioner Ray; no.

16 MS. WYSOCKI: Since no one has an issue with
17 this proposed finding, we'll move on.

18 The next one is that the proposed
19 use at this particular location is necessary or
20 desirable to provide a service or a facility which
21 is in the public convenience and will contribute to
22 the general welfare of the neighborhood or
23 community.

24 The proposed finding -- I'm going

1 to read it as briefly as possible because they are
2 going to get long here.

3 The proposed finding is that the
4 use is necessary to provide treatment for substance
5 use disorder and behavioral health issues which is
6 lacking in Itasca, DuPage, and the collar counties.
7 Itasca has no residential treatment facilities or
8 recovery home beds within its boundaries, although
9 the need clearly exists as evidenced by the number
10 of overdoses, the number of AA and NA meetings
11 located within the Itasca boundaries and within five
12 miles of Itasca, and various testimony introduced
13 during the hearing.

14 The proposed use will be able to
15 provide 24-7, 365 days a year treatment regardless
16 of the individual's ability to pay which provides
17 expedient and convenient treatment for those in
18 needs.

19 I don't know if any of the
20 Commissioners have any comments or discussion about
21 this finding.

22 CHAIRMAN DALY: This is Chairman Daly. I
23 think part of what I have some commentary on is
24 related to public convenience, which will show up in

1 a subsequent finding of fact, but the other thing I
2 just want to discuss is the neighborhood or
3 community. I think part of the issue here is the
4 scale of the project. And we talk about the
5 neighborhood or community. There is clearly a need
6 in DuPage County and the collar counties for a
7 facility of this nature; however, the scope of the
8 project -- you know, my fundamental issue with the
9 application is the scope of the project and the
10 impact to the EMS.

11 And if I could go back to the
12 testimony by Dr. Lustig in December of -- hang on
13 one second, I have it here -- 2019, this is page 157
14 of the testimony. Again, this was, the date
15 December 4th, 2019. This was when there was public
16 comment. Mr. Hearn of Itasca asked on line 10 of
17 page 157, "Okay. Did you consult with members of
18 your board on your location for DuPage County?"

19 "Dr. Lustig: So as far as we -- us
20 want- -- that our board was very interested in
21 wanting us to be in DuPage. The specific location,
22 no. None of the board members weighed in whatsoever
23 whether it was Itasca or another area. What they
24 were mostly concerned with was that it would be a

1 large enough space where all of our lines of
2 business could come in and support patients."

3 So there's been a lot of testimony
4 in this case on both sides about the size of the
5 facility, the need in the community, and Itasca's
6 population relative to the balance of DuPage County.
7 And I think for me, again, the core issue here is
8 related to EMS, so I'm going to speak to that on the
9 following finding of fact, but I just wanted to put
10 in the record that I'm concerned about the issue
11 about neighborhood or community in this finding of
12 fact because I believe, again, that this project is
13 too big for this town.

14 MS. WYSOCKI: Is there any other
15 commissioners that want to say anything about this
16 finding?

17 COMMISSIONER DRUMMOND: I would agree with
18 Brendan exactly. I mean, it's an issue of size --

19 MS. WYSOCKI: Okay.

20 COMMISSIONER DRUMMOND: -- for this
21 community.

22 COMMISSIONER CARELLO: This proposed finding
23 states that it's necessary, is lacking in Itasca,
24 and it's labeled in there. DuPage is one thing, but

1 adding that Itasca, again, based on size.

2 AUDIENCE PARTICIPANT: Can you speak louder?

3 COMMISSIONER CARELLO: The comment I made was
4 based on the Village of Itasca being labeled in the
5 proposed finding, that Chairman Daly mentioned the
6 same thing; based on the size and it lacking in
7 Itasca, it just doesn't fit.

8 MS. WYSOCKI: Anyone else?

9 COMMISSIONER DRUMMOND: I also agree.

10 MS. WYSOCKI: All right. Moving on to
11 subpart 3, the third standard under the special use
12 requirements is that such use will not under the
13 circumstances of the particular case be detrimental
14 to the health, safety, morals or general welfare of
15 persons residing or working in the vicinity or
16 injurious to the property values or improvements in
17 the vicinity.

18 The proposed finding of facts are
19 kind of lengthy. I'm just going to go through them
20 briefly. The petitioner is a well-respected,
21 accredited provider of substance use disorder and
22 behavioral health services in Chicago.

23 The proposed use is going to be
24 licensed by the state and fully accredited.

1 The use will be -- has the support
2 of many local hospitals and other treatment
3 providers, as well as the DuPage County Board of
4 Health and the HOPE Taskforce.

5 The Petitioner's team is made up of
6 licensed medical professionals and it's operations
7 are governed by rules and protocol, overseen by a
8 medical director, and those protocols include
9 protocols for the admission and discharge to ensure
10 that clients can receive treatment without an impact
11 to Itasca, its residents, business -- businesses and
12 service providers.

13 The Petitioner plans on
14 transporting clients to doctor's appointments, jobs,
15 shopping, and if necessary, there will be discharge
16 transportation provided, as well, so that it will
17 lesson the need for the clients to have
18 transportation on site, and it would lesson the need
19 for clients to be discharged directly onto the
20 street.

21 These proposed findings continue.
22 The proposed use includes security on-site for 24/7.
23 The use will have a positive economic impact on
24 Itasca and DuPage County, including direct and

1 indirect impact of new jobs and local spending.

2 The proposed use is nonprofit,
3 might be eligible for a tax exemption; however,
4 there will be no reduction in the property taxes
5 paid to the taxing bodies as the loss of those
6 moneys will be spread over the remaining taxable
7 properties in each of the taxing districts.

8 Itasca has a healthy tax base and
9 recent new developments will offset the impact of
10 the Petitioner's nonprofit status if granted.

11 The use will not be detrimental to
12 timely and reliable EMS fire and police services as
13 these services have sufficient capacity at this
14 time.

15 The Petitioner has also agreed not
16 to offer programming for women and children at this
17 location which would lesson any economic burdens for
18 the local schools.

19 And the last slide on this is that
20 the proposed use is consistent with the underlying
21 zoning and the Village's Comprehensive Plan. The
22 use will not have an adverse impact on the path of
23 development in the immediate area, the downtown
24 area, or nearby residential uses.

1 The proposed use will not be
2 injurious to property values.

3 The development will result in the
4 rehabilitation of a vacant building with fresh
5 landscaping which will improve the aesthetics of the
6 area.

7 The building's operations will be
8 located in the interior of the building, and there
9 will be no impact on the light, air, noise,
10 emissions or vibrations in the area, and there will
11 be sufficient on-site parking and traffic
12 generation -- and the traffic generation will be
13 less than the prior hotel use.

14 So before we go on to the fourth
15 standard, if you want me to do a specific slide if
16 you have comments on it, let me know.

17 CHAIRMAN DALY: Yeah, would you please go
18 back to the findings slide, the original finding
19 right there.

20 Okay. For me, I think, again, the
21 issue here is the impact related to EMS. If we pick
22 these one at a part, I don't believe that the
23 residents of the proposed facility pose any sort of
24 risk to health, safety, morals or general welfare of

1 anyone in town.

2 Again, the issue for me is the
3 potential impact to EMS services. And I'll just --
4 actually, I'll just finish it, too. I don't believe
5 that the property value or improvements argument is
6 something that I'm concerned about in this finding.
7 Again, it has to do with the numbers, and when it
8 comes to the numbers, this is -- again, this is
9 where I've had a problem trying to really understand
10 what is the true impact to the Village through this
11 entire case since 2019.

12 Back in October of 2019 Mr. Baldwin
13 testified in three different meetings, one at the
14 end of October, then again on November 6th, and then
15 again on November 13th, in which he brought new
16 numbers to the hearing. In my review of the
17 transcripts he had them in front of him at his desk.
18 They were supplemental information to stuff that
19 hadn't been previously submitted in the document.

20 And then following that,
21 Mr. Dominik on behalf of Haymarket testified four
22 times, as best I could tell: 2 December of 2020; 9
23 December 2020; 6 January '21; and March 3rd of '21.

24 And through the course of all that,

1 then we heard from Mr. Moeller in at least two
2 hearings, and there's been a lot of information
3 entered into the exhibits with a lot of numbers:
4 The numbers about the number of calls; the numbers
5 about the true impact; the numbers related to Chief
6 Burke's testimony on the cost of a new ambulance
7 with six new hires for the Village of Itasca.

8 So throughout all the testimony
9 over the past two years, the only number I feel
10 comfortable with in this entire hearing is No. 1:
11 Itasca has one ambulance.

12 And then we started talking about
13 MABAS, and we talked about mutual aid from the
14 surrounding network, and Wood Dale has one
15 ambulance.

16 So, again, for me, I have a real
17 hard time feeling confident that should this
18 development go through in its proposed size in the
19 current condition, that it will not have a
20 detrimental impact on the Village.

21 It is our responsibility to provide
22 a reasonable accommodation; however, I believe that
23 the capital expense of \$300,000 for a new ambulance,
24 an additional \$700,000 and up for the staff to man

1 that ambulance from Chief Burke's testimony on
2 May 5th, 2021, line 17, page 26, and that just
3 ballpark figure would be roughly \$300,000 for that
4 unit, page 27, line 11 -- that's just the fire
5 department. And then that annual cost for staffing
6 would be an ongoing thing. So you know you'd
7 probably be in that 700- to \$750,000 range annually.

8 To me, I can't rationalize that as
9 a reasonable accommodation for the proposed
10 development.

11 There's other testimony that's been
12 given. Mr. Dominik March 3rd related to the Revised
13 Haymarket DuPage Public Safety Impact Report
14 Addendum to the original report. This was submitted
15 for February 26, 2021.

16 So in his report on page 2,
17 chart 1, in 2018 West Loop beds 339 in his report,
18 chart 1. In Haymarket's Exhibit 18, the number of
19 beds at the main campus is listed at 400. I can't
20 reconcile how many beds based on prior testimony by
21 Haymarket and Haymarket's expert Mr. Dominik -- how
22 many beds there are at the West Loop location.

23 So it really comes to me trusting
24 in the Commission to make a decision based on how

1 much trust do we have in these numbers. And for me,
2 I don't believe the burden of proof has been met by
3 Haymarket to make me comfortable enough to approve
4 this application in its current form saying that
5 there will be no impact to EMS moving forward.

6 COMMISSIONER DRUMMOND: I also agree with
7 Chairman Daly, and also to included the tax
8 exemption that may or may not affect our town. So I
9 am against this finding of fact.

10 COMMISSIONER RAY: When I read this finding
11 of fact, and it says health, safety, morals and
12 general welfare, also think about the health and
13 safety of the residents that are going to be in the
14 treatment center.

15 I've expressed several times to
16 Dr. Lustig early on that I actually had a relative
17 of mine that was down at Haymarket and was rejected
18 twice because the beds were full, and so we are not
19 close to transportation. There is no easy out, easy
20 in for people, and that concerns me.

21 And this -- I'm -- I'm in favor of
22 what Brendan said about the size and about the --
23 about the EMS services, but I'm also concerned about
24 the safety and health of the people, the residents

1 that are in there and the people that come there and
2 don't -- can't get in, and where are they going to
3 go when there is no easy transportation.

4 So I guess when I look at that
5 statement I say we can't provide that health and
6 safety to people that are there.

7 MS. WYSOCKI: Is there anyone else?

8 (No comment.)

9 MS. WYSOCKI: Moving on to, then, the fourth
10 factor, the fourth factor is that the proposed use
11 will comply with the regulations and conditions
12 specified in this ordinance for such use, and with
13 the stipulations and conditions made part of the
14 authorization granted by the Village board.

15 The proposed finding is that the
16 use will comply with the regulations and conditions
17 specified in the zoning ordinance except for the
18 relief sought as to the side yard setback and the
19 building height, which is because it's an existing
20 building.

21 The proposed building is
22 significantly less dense than permitted in the
23 underlying B-2 Zoning District. The floor area
24 ratio is less than what the maximum allowed, and the

1 setbacks exceed the setback requirements except for
2 that side yard setback.

3 There's sufficient parking on-site,
4 and the Petitioner has voluntarily agreed to a
5 condition that it contract with a secondary
6 ambulance company to provide basic life support
7 services while the treatment center is open and
8 operational.

9 Are there any comments about this
10 standard in the proposed finding?

11 CHAIRMAN DALY: As it relates to the first
12 three proposed findings I take no issue with any of
13 that.

14 I believe the building, were it to
15 be converted, I have no issues with the site itself.
16 Again, it's the proposed use.

17 The fourth point, though, again --
18 and there's been numerous testimony related to the
19 contract with Elite and what Elite's services
20 capabilities are, what their response time is.
21 Again, this is one that I just don't have the
22 confidence in the numbers that were provided, that
23 the ALS calls to BLS calls ratio matches up.

24 We heard prior testimony

1 75 percent/25 percent. We heard 60/40, depending on
2 which residential unit was in the existing Haymarket
3 in the West Loop.

4 I just can't get my head around how
5 having a contract with Elite is going to lesson the
6 proposed burden -- not the proposed -- the possible
7 burden on the Village Fire Protection District's
8 ability to respond to both calls at Haymarket and
9 the balance of the Village.

10 MS. WYSOCKI: Any other comments?

11 COMMISSIONER DRUMMOND: I also agree with
12 Chairman Daly because the fourth point, also we
13 never saw a contract, so just word of mouth they
14 could say anything about that and it's just kind of
15 questionable. So I'm not for this one, either.

16 MS. WYSOCKI: Anyone else?

17 COMMISSIONER CARELLO: I'm also in agreement
18 with Chairman Daly on the fourth point.

19 MS. WYSOCKI: Those are the four standards
20 for the special use.

21 The -- the other part of the
22 planned development is that there are certain
23 standards that need to be met. The section is on
24 14.12(7). The section lists 48 standards for

1 planned developments. I'm not including all the
2 subparts, so there's a lot here.

3 We're not going to go through each
4 one individually, I hope, but different sections of
5 the standards are applicable to different types of
6 developments and not all of them are applicable to
7 the petition.

8 What I've done, when I list the
9 standards, as you can see here, (7)(a) is the
10 general standards.

11 Where the -- where the village
12 staff and Haymarket agree that the standard is
13 inapplicable, I've struck through the language so we
14 don't need to discuss that. They are not applicable
15 to this project.

16 And when there's a -- if there's a
17 disagreement between the Petitioner and village
18 staff I left it in, so you can understand my little
19 cryptic code.

20 So the -- I'm not going to read out
21 each one because we'd be here forever, but the
22 standards that are in the general section (7)(a) of
23 14.12, did any of the Commissioners find that
24 these -- that one or more of these standards were

1 not met by the Haymarket petition?

2 COMMISSIONER HOLMES: (Inaudible.)

3 MS. WYSOCKI: I'm -- I'm sorry, Commissioner
4 Holmes, what did you say?

5 COMMISSIONER HOLMES: I have no objection to
6 what's on here.

7 MS. WYSOCKI: Okay.

8 COMMISSIONER DRUMMOND: I actually did, on 2,
9 4, 6, and 7. I disagreed on -- 6 and 7 I just felt
10 were inapplicable, and 2 and 4 were because of the
11 special use I was in disagreement with.

12 That it would be undue detrimental
13 influence and effect upon the surrounding
14 neighborhood, I believe it would be because of the
15 EMS, fire, and police.

16 MS. WYSOCKI: Okay.

17 CHAIRMAN DALY: I agree with Commissioner
18 Drummond on her points.

19 MS. WYSOCKI: Any other Commissioners have
20 any comments or disagreements with whether Haymarket
21 met the findings in (7)(a)?

22 COMMISSIONER RAY: I have just an issue
23 with 2, and it goes back to EMS services.

24 MS. WYSOCKI: Okay. Any other comments?

1 COMMISSIONER CARELLO: I'm in agreement with
2 Commissioner Drummond's items.

3 COMMISSIONER RUSSO: I'm also in agreement
4 with Commissioner Drummond.

5 MS. WYSOCKI: Okay. All right. The next
6 section is 14.12 (7)(b) which is the requirements
7 for residential planned developments.

8 And the Village's position is that
9 these are applicable because there is going to be,
10 as we've previously discussed, recovery homes on the
11 property which staff believes is residential.

12 Haymarket's position is that these
13 are not applicable because of the -- the use is
14 healthcare, not residential.

15 I've put them up on the board. I
16 don't know if anyone has any questions about --
17 about their applicability or any disagreement with
18 whether or not Haymarket has met the standards under
19 Section (7)(b).

20 COMMISSIONER RAY: I also disagreed on all of
21 them because that is a recovery home and not a
22 business of -- that's allowed in B-2.

23 MS. WYSOCKI: So just to clarify, you -- you
24 disagree that they are inapplicable; you believe

1 they are applicable to this development?

2 COMMISSIONER RAY: No, I don't believe they
3 are applicable. I disagree with all of them.

4 MS. WYSOCKI: I just want to clarify because
5 I think you said two different things.

6 COMMISSIONER RAY: Sorry.

7 MS. WYSOCKI: And maybe -- and maybe -- I
8 just want to make sure we're clear on the record.
9 So --

10 COMMISSIONER RAY: I do not agree with any of
11 them.

12 MS. WYSOCKI: Okay. So you don't think they
13 belong -- that they're applicable to this
14 development?

15 COMMISSIONER RAY: Correct.

16 MS. WYSOCKI: Okay.

17 Any other comments or does anyone
18 else find that these standards weren't met?

19 COMMISSIONER CARELLO: I agree with
20 Commissioner Drummond that the standards were not
21 met.

22 CHAIRMAN DALY: Insofar as the argument
23 whether this is applicable to the development or
24 not, the only thing I would add is on point No. 2,

1 at the very end of the second line "will not be
2 injurious to adjacent or neighboring properties,"
3 the way I would interpret this comment is not,
4 again -- again, it's not how the property or its
5 residents will affect the surrounding properties,
6 neighbors or property values. It's about the drain
7 on the poten- -- the potential drain on EMS services
8 which then, in turn, indirectly could have an
9 injurious effect on the neighboring properties.

10 MS. WYSOCKI: Anyone else?

11 (No comment.)

12 MS. WYSOCKI: Okay. The next section, (7)(c)
13 involves cluster subdivisions. Both staff and
14 Haymarket agree that these standards are not
15 applicable to this development.

16 (7)(d) is the business planned
17 development sections which is -- it's, I'm sorry,
18 (d)(1) through (6).

19 Does anyone have any issue with
20 whether or not Haymarket has met the standards
21 listed in (7)(d)?

22 CHAIRMAN DALY: I take no issue with any of
23 these. I believe these standards are met.

24 COMMISSIONER CARELLO: I agree. I have no

1 issue with these standards.

2 COMMISSIONER RAY: I also agree.

3 COMMISSIONER DRUMMOND: I agree.

4 MS. WYSOCKI: Anyone else?

5 COMMISSIONER RUSSO: I agree, too.

6 MS. WYSOCKI: Section (7)(e) is the beginning
7 of the -- there's a couple slides here. So this the
8 variations of minimal requirements. This has to
9 do -- the very first one here has to do with some of
10 the -- the -- I'm sorry, I'm getting a little lost
11 here.

12 This one is, you know, whether they
13 meet the minimum requirements, and then the second
14 part of (7)(e) there is the business -- the business
15 requirements.

16 The third part is industrial, and
17 staff and Haymarket agree that those standards are
18 not applicable. So I'm going to put up the very
19 first one and just ask if any commissioner has any
20 comments or any dispute with whether or not
21 Haymarket satisfied conditions (7)(e).

22 CHAIRMAN DALY: I believe the conditions are
23 met. I have no issue with any of the physicality of
24 the property or its existing building.

1 MS. WYSOCKI: Anyone else?

2 COMMISSIONER RUSSO: I agree.

3 COMMISSIONER DRUMMOND: I also agree.

4 COMMISSIONER CARELLO: I agree.

5 COMMISSIONER HOLMES: I agree.

6 COMMISSIONER RAY: Agree.

7 MS. WYSOCKI: Okay. So now that we've gone
8 through the planned development standards and the
9 special use standard, the next part are the
10 standards for a Class 1 site plan review. That is
11 governed by Section 14.13(7).

12 The Class 1 site plan review -- the
13 Class 1 site plan cannot be approved without the
14 Plan Commission considering the standards that we're
15 going to go through now.

16 Again, the section lists 33
17 standards for Class 1 site plan review. Haymarket
18 disputes that -- whether these standards are
19 applicable to this site plan because it's not a new
20 development. Village staff's position is that they
21 are applicable because they are requesting a Class 1
22 site plan review.

23 So the first -- the first two
24 standards are on the screen now. A and B is that

1 the applicable shall comply with the provisions of
2 the ordinance, and the plan shall be in reasonable
3 conformity with the comprehensive plan.

4 Does any Commissioner have any
5 comments or does anyone believe that Haymarket has
6 not met these standards?

7 COMMISSIONER DRUMMOND: I agree with them.

8 MS. WYSOCKI: You believe that Haymarket has
9 met these standards?

10 COMMISSIONER DRUMMOND: Yes.

11 MS. WYSOCKI: Okay.

12 CHAIRMAN DALY: Agree.

13 COMMISSIONER RUSSO: Agree.

14 COMMISSIONER CARELLO: Agree.

15 COMMISSIONER HOLMES: Agree.

16 COMMISSIONER RAY: Agree.

17 MS. WYSOCKI: Part C is about the site and
18 building design and has a number of subparts. I can
19 flip through them real quickly or we can discuss one
20 at a time, but the first subsection is relations to
21 buildings on the site.

22 Does anyone have any -- does anyone
23 believe that Haymarket has not met the standards in
24 (7)(c)?

1 CHAIRMAN DALY: No. I believe those
2 standards are met.

3 MS. WYSOCKI: I'm sorry, I should be more
4 specific, (7)(c)(1).

5 CHAIRMAN DALY: I believe the standards on
6 this slide (7)(c)(1) have been met.

7 MS. WYSOCKI: Thank you.

8 Anyone else?

9 COMMISSIONER DRUMMOND: Agree.

10 COMMISSIONER CARELLO: Agree.

11 COMMISSIONER RUSSO: Agree.

12 COMMISSIONER RAY: Agree.

13 COMMISSIONER HOLMES: Agree.

14 MS. WYSOCKI: This is (7)(c)(2), the building
15 design.

16 Anyone have any comments about this
17 or believe that -- whether Haymarket has met these
18 standards?

19 CHAIRMAN DALY: I believe the standards are
20 met. And, just, again, being a proposed adaptive
21 reuse for an existing building that we drive past
22 every day, I believe any of the physical standards
23 for the development have been met.

24 MS. WYSOCKI: Okay. Probably the same, but

1 the next slide is subparts 3 and 4 which is signs
2 and lighting, any additional comments?

3 CHAIRMAN DALY: No.

4 COMMISSIONER DRUMMOND: No. I agree, none.

5 COMMISSIONER HOLMES: None.

6 MS. WYSOCKI: Okay. Section D of the site
7 plan standards concern open space and landscaping.

8 I'll remind the Commission that
9 there was a landscaping plan that was submitted with
10 the -- with the proposal which this would apply to.

11 Does anyone have any comments or
12 are find that the open space and landscaping plan
13 does not meet the standards in (7)(d)?

14 CHAIRMAN DALY: I believe those standards
15 will be met.

16 COMMISSIONER DRUMMOND: Yes, I agree.

17 COMMISSIONER RAY: Agree.

18 COMMISSIONER CARELLO: Agree.

19 COMMISSIONER RUSSO: Agree.

20 COMMISSIONER HOLMES: Agree.

21 MS. WYSOCKI: Okay. (7)(e) is Access and
22 Circulation.

23 Does anyone have any comments or
24 believe that Haymarket has not met the standards in

1 (7)(d).

2 CHAIRMAN DALY: As it relates to (7)(e),
3 Access and Circulation --

4 MS. WYSOCKI: I'm sorry.

5 CHAIRMAN DALY: -- I believe the standards
6 are met.

7 MS. WYSOCKI: Thank you for the correction.

8 Anyone else?

9 COMMISSIONER DRUMMOND: Agree.

10 COMMISSIONER HOLMES: Agree.

11 COMMISSIONER CARELLO: Agree.

12 COMMISSIONER RUSSO: Agree.

13 MS. WYSOCKI: And (7)(f), this is Public
14 Services and Utilities. Does anyone have any
15 comments or disagree that Haymarket has met the
16 standards in (7)(f)?

17 CHAIRMAN DALY: Again, we're going to go back
18 to the beginning of the findings of fact, and I
19 believe that the impact to police and fire
20 protection, which is the core of my concern with
21 this application -- I believe that the schools can
22 also -- we've heard testimony from Mr. Benes, and I
23 do believe that the standard for the schools, the
24 lack of impact to the schools, that burden of proof

1 has not been met.

2 COMMISSIONER DRUMMOND: I would agree.

3 COMMISSIONER RAY: I agree. And also the
4 point that there is no public transportation in
5 Itasca to be able to transport anyone out to the
6 outlying suburban towns. So I am -- I agree with
7 Commissioner -- or, I'm sorry, Chairman Daly.

8 COMMISSIONER HOLMES: I agree.

9 COMMISSIONER CARELLO: So we disagree with
10 this finding, correct, based on how we're saying it?

11 CHAIRMAN DALY: Uh-huh.

12 COMMISSIONER CARELLO: Agree.

13 MS. WYSOCKI: Okay. All right. (7)(g) is
14 Environmental Considerations. Does anyone have
15 any -- any comments or dispute whether Haymarket has
16 met the standards in (7)(g)?

17 CHAIRMAN DALY: No issue with this finding.

18 COMMISSIONER HOLMES: I agree.

19 COMMISSIONER CARELLO: Agree.

20 COMMISSIONER RUSSO: Agree.

21 COMMISSIONER DRUMMOND: I agree.

22 COMMISSIONER RAY: Agree.

23 MS. WYSOCKI: And the final one is
24 Preservation, the (7)(h), that adequate provisions

1 should be made to preserve the unique architectural,
2 cultural, environmental, and historical resources.

3 Does anyone believe that Haymarket
4 has not met these standards?

5 CHAIRMAN DALY: I believe the standard is
6 met, but I question whether (h) is even applicable,
7 question honestly.

8 MS. WYSOCKI: Anyone else?

9 (No response.)

10 MS. WYSOCKI: Okay. And 7(i) by it's very
11 definition of the B-4, B-5, and B-6 districts is not
12 applicable.

13 Okay. There's one last thing that
14 I know Chairman Daly mentioned earlier, but I do
15 want to have a discussion about it, as has been
16 mentioned several times during the hearing there are
17 two acts that apply to this development; the Fair
18 Housing Act and the Americans with Disabilities Act.

19 These are federal civil rights
20 protections for individuals with disabilities or who
21 are recovering from substance or alcohol abuse and
22 are seeking treatment for those -- those disorders.

23 The -- these acts create an
24 affirmative duty on the part of the Village to

1 reasonably accommodate these disabled individuals in
2 zoning matters; therefore, even if Haymarket does
3 not meet the standards of the zoning ordinance, this
4 Commission must consider whether accommodations
5 should be made to alleviate the discrimination.

6 The Commission can consider whether
7 the requested accommodation is necessary to
8 alleviate the discrimination and whether the
9 requested accommodation is reasonable and
10 proportional to the cost implemented.

11 So that is two factors.

12 I would ask that -- I know that
13 Chairman Daly talked a little bit before about the
14 reasonability of the accommodation, but I would ask
15 that the commissioners consider both factors.

16 COMMISSIONER RAY: Once again, I go back to
17 health and safety and to being able to accommodate
18 residents, and I don't believe with the lack of EMS
19 services that we have in this town and the burden on
20 those services that we're going to be able to
21 protect and residents are going to be able to thrive
22 in that environment.

23 MS. WYSOCKI: Are there any other comments as
24 to the reasonable accommodation?

1 COMMISSIONER DRUMMOND: I agree with
2 Commissioner Ray.

3 MS. WYSOCKI: Anyone else?

4 COMMISSIONER CARELLO: I feel that -- that a
5 reasonable accommodation and the way we -- we keep
6 describing it comes back to Chairman Daly's comment
7 of police/fire usage, as well as getting individuals
8 around and doing what they need to do to get to and
9 from these facilities, but, again, size, I think, is
10 a big issue.

11 And, I mean, in my personal opinion
12 I think if this was a substantially smaller
13 property, we would not be here today. This would
14 have been done a long time ago.

15 I don't know if any of the
16 commissioners agree with that, but I think that also
17 makes a big difference.

18 MS. WYSOCKI: Any other comments?

19 CHAIRMAN DALY: I would just go back to point
20 No. 2, that the requested accommodation is
21 reasonable and proportional to the costs.

22 And, again, I go back to capital
23 expense of \$300,000, plus or mines, for a new
24 ambulance because I do believe that if this was to

1 be approved, that second ambulance would be
2 required.

3 And then the ongoing operational
4 expense of 700- to \$750,000 a year when the Fire
5 Protection District has to pass a referendum to get
6 more money, I believe this is not a reasonable
7 accommodation for the Village to bear.

8 The other thing, going back to just
9 the health facility in town, you know, if the
10 Holiday Inn was to become this facility, one of the
11 things I've thought about a fair amount is it's not
12 like a regular hospital where once the patient is
13 admitted, they stay until they are stabilized,
14 healed, and then they are discharged to go home.

15 I think part of the issue here,
16 again, when it comes to the scope of the numbers and
17 the impact is once the patients are in the facility,
18 there is a chance that at some point they have to be
19 attended to medically and then transported off-site.

20 And, again, I think that is where I
21 have a real hard time with the numbers, which leads
22 to my argument with the contention that this is a
23 proportional and reasonable accommodation given the
24 size of this village.

1 MS. WYSOCKI: Any other comments?

2 (No response.)

3 MS. WYSOCKI: Okay. Something I probably
4 should have done at the beginning, but I did want to
5 make a note for the record before we jump into the
6 staff-recommended conditions is that Haymarket
7 submitted proposed findings of fact which I reviewed
8 in drafting this PowerPoint presentation. I sent
9 those to you earlier this week, and, you know, so
10 you had a chance to review them, and they will be
11 made part of the record tonight, the submittal from
12 Haymarket.

13 Before we get to a motion, I know
14 Mo usually addresses the staff-recommended
15 conditions for approval, but since I'm doing this
16 tonight, I can continue. He's giving my a side eye
17 there, so.

18 So the first -- you know, the first
19 couple I think is -- those are -- the first three,
20 those are our standard recommended conditions for
21 approval.

22 Also, No. 4, the complete sign
23 review package required before installation.

24 And then the other conditions of

1 approval would be removal of the existing billboard
2 sign; compliance with request for additional
3 information that were summarized in Village
4 Exhibit A that was attached to the original staff
5 report. I think that probably the last couple years
6 of hearings have satisfied that.

7 The application contemplates a
8 maximum of 240 overnight clients and residents at
9 any given time, and if approved, any increase in
10 that number of beds would have to be approved by the
11 Plan Commission/Village Board, and that the
12 application states that no children would be allowed
13 to stay at the facility overnight, and if approved,
14 that any change in this policy would need to return
15 to the Plan Commission and Village Board.

16 Does anyone have any questions
17 about the staff-recommended conditions of approval
18 or any additions or subtractions or discussion about
19 them?

20 COMMISSIONER DRUMMOND: No questions.

21 COMMISSIONER CARELLO: No questions.

22 MS. WYSOCKI: Okay. Chairman, I think you're
23 ready for a motion.

24 COMMISSIONER DRUMMOND: Chairman, I would

1 like to make a motion to recommend approval of
2 Petition 19-014 for a planned development by special
3 use with existing exemptions for building height and
4 front yard setback, and Class 1 site plan approval
5 to permit a mixed-use residential and healthcare
6 facility and other accessory uses in the B-2
7 Community Business District at 860 West Irving Park
8 Road as described in the petition and subject to the
9 staff-recommended conditions No. 1 through 8.

10 CHAIRMAN DALY: Can I get a second on that
11 motion?

12 COMMISSIONER CARELLO: Second.

13 CHAIRMAN DALY: Mr. Secretary, would you
14 please call the vote?

15 MR. KHAN: Commissioner Carello?

16 COMMISSIONER CARELLO: Against.

17 MR. KHAN: Commissioner Drummond?

18 COMMISSIONER DRUMMOND: Against.

19 MR. KHAN: Commissioner Holmes?

20 COMMISSIONER HOLMES: Against.

21 MR. KHAN: Commissioner Ray?

22 COMMISSIONER RAY: Against.

23 MR. KHAN: Commissioner Russo?

24 COMMISSIONER RUSSO: Against.

1 MR. KHAN: Chairman Daly?

2 CHAIRMAN DALY: Against.

3 MS. WYSOCKI: Since that motion failed,
4 Chairman, can we get a motion in the opposite?

5 COMMISSIONER DRUMMOND: Yes. I can make a
6 motion to recommend denial of Petition 19-014 for
7 the planned development by special use with existing
8 exemptions for building height and front yard
9 setback and Class 1 site plan approval to permit a
10 mixed-use residential and healthcare facility and
11 other accessory uses in the B-2 Community Business
12 District at 860 West Irving Park Road as described
13 in the petition and subject to the staff-recommended
14 conditions No. 1 through 8.

15 CHAIRMAN DALY: There's been a motion. Can I
16 get a second, please?

17 COMMISSIONER RAY: Second; Ray.

18 CHAIRMAN DALY: Would the secretary please
19 call the vote.

20 MR. KHAN: Commissioner Carello?

21 COMMISSIONER CARELLO: For.

22 MR. KHAN: Commissioner Drummond?

23 COMMISSIONER DRUMMOND: For.

24 MR. KHAN: Commissioner Holmes?

1 COMMISSIONER HOLMES: For.

2 MR. KHAN: Commissioner Ray?

3 COMMISSIONER RAY: For.

4 MR. KHAN: Commissioner Russo?

5 COMMISSIONER RUSSO: For.

6 MR. KHAN: Chairman Daly?

7 CHAIRMAN DALY: For.

8 The motion carries. Yordana, would
9 you please follow up with the next steps, please.

10 MS. WYSOCKI: I will.

11 So the Plan Commission's
12 recommendation will be forwarded to the village
13 board for review and consideration. The village
14 intends to schedule special meetings in October for
15 the village board to hear citizen comments prior to
16 final presentation and the board's deliberations.

17 Future meetings will continue to be
18 posted on the Village's website at Itasca.com.
19 Thank you very much.

20 CHAIRMAN DALY: Thank you. At this time
21 could I please get a motion to close hearing
22 PC 19-014?

23 COMMISSIONER CARELLO: So moved.

24 COMMISSIONER RAY: Second; Ray.

1 CHAIRMAN DALY: Would the secretary please
2 call the vote to close this hearing.

3 MR. KHAN: Commissioner Carello?

4 COMMISSIONER CARELLO: For.

5 MR. KHAN: Commissioner Drummond?

6 COMMISSIONER DRUMMOND: For.

7 MR. KHAN: Commissioner Holmes?

8 COMMISSIONER HOLMES: For.

9 MR. KHAN: Commissioner Ray?

10 COMMISSIONER RAY: For.

11 MR. KHAN: Commissioner Russo?

12 COMMISSIONER RUSSO: For.

13 MR. KHAN: Chairman Daly?

14 CHAIRMAN DALY: For.

15 The motion carries. This case is
16 now closed. Can I please get a motion to adjourn?

17 COMMISSIONER HOLMES: So moved.

18 COMMISSIONER CARELLO: Second; Carello.

19 (Applause from audience
20 participants.)

21 CHAIRMAN DALY: Please.

22 COMMISSIONER HOLMES: So moved, Chairman.

23 COMMISSIONER CARELLO: Second; Commissioner
24 Carello.

1 CHAIRMAN DALY: Will the secretary please
2 call the vote.

3 MR. KHAN: Commissioner Carello?

4 COMMISSIONER CARELLO: For.

5 MR. KHAN: Commissioner Drummond?

6 COMMISSIONER DRUMMOND: For.

7 MR. KHAN: Commissioner Holmes?

8 COMMISSIONER HOLMES: For.

9 MR. KHAN: Commissioner Ray?

10 COMMISSIONER RAY: For.

11 MR. KHAN: Commissioner Russo?

12 COMMISSIONER RUSSO: For.

13 MR. KHAN: Chairman Daly?

14 CHAIRMAN DALY: For. The motion carries.

15 This meeting is now adjourned. Thank you.

16 (Whereupon, the public hearing
17 concluded.)

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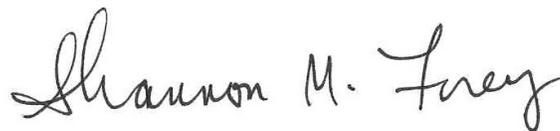
1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)

3 I, Shannon M. Frey, CSR. No. 84-002277, RMR,
4 CRR, do hereby certify that I reported in shorthand
5 the proceedings had at the Public Hearing of the
6 above-entitled cause and that the foregoing Report
7 of Proceedings, Pages 1 through 45, inclusive, is a
8 true, correct, and complete transcript of my
9 shorthand notes taken at the time and place
10 aforesaid.

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

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

20 IN WITNESS WHEREOF I have hereunto set my
21 hand this 26th day of August, 2021.

22 
23

24 Certified Shorthand Reporter

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