



VILLAGE PRESIDENT
JEFFERY J. PRUYN

VILLAGE CLERK
JODY A. CONIDI

VILLAGE ADMINISTRATOR
CARIE ANNE ERGO

VILLAGE TRUSTEES
JEFF AIANI
DINO GAVANES
ELLEN LEAHY
KATHY LINSNER
FRANK J. MADARAS
PATRICK POWERS

Village Board Meeting Agenda

November 2, 2021

7:00 p.m.

Meeting will be live streamed online at: <https://youtu.be/vKxKBE6RO44>

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

1. Call to Order; Roll Call
2. Pledge of Allegiance
3. Audience Participation
4. President's Comments
5. Community Development Committee Report
Chair Trustee Gavanese; Co-Chair Trustee Leahy
 - a) Discussion and possible action regarding PC 19-014 Request for a Planned Development by Special Use with exceptions and a Class I Site Plan to allow a mixed-use residential and healthcare facility and other accessory uses in the B-2 Community Business District for Haymarket DuPage, LLC – 860 W. Irving Park Rd (Ord. 1992-21 A or B)
6. Adjournment



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MEMORANDUM

TO: Village Board

FROM: Carie Anne Ergo, Village Administrator

DATE: October 8, 2021

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

Introduction

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

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

Discussion

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

Plan Commission Recommendation

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

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

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

Staff Recommendation

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

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

After Action Steps

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

Attachments

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

ORDINANCE NO. 1992-21(A)

**AN ORDINANCE APPROVING A PLANNED DEVELOPMENT
BY SPECIAL USE WITH EXCEPTIONS AND
CLASS I SITE PLAN REVIEW (HAYMARKET DUPAGE)**

WHEREAS, Haymarket DuPage, LLC (hereinafter referred to as “Petitioner”) has filed a Petition requesting approval for:

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

for the property located at 860 W. Irving Park Road, in the Village of Itasca (hereinafter “Subject Property”); and

WHEREAS, Petitioner submitted an application, attached hereto as Exhibit A, for the approval of the planned development by special use; and

WHEREAS, Petitioner proposed a Class I Site Plan, attached hereto as Exhibit B; and

WHEREAS, a public hearing was held by the Itasca Plan Commission from October 16, 2019 to September 22, 2021, on Petitioner’s application, pursuant to public notice as required by law, with respect to Petitioner’s application; and

WHEREAS, the Plan Commission recommended to the Village of Itasca Board of Trustees that the application be denied because the Plan Commission found that the following findings of fact were not established by the Petitioner:

1. The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
2. Such use will not under the circumstances of the particular case be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
3. The proposed use will comply with the regulations and conditions specified in the Zoning Ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.

WHEREAS, the Plan Commission considered the Petitioner's request for a reasonable accommodation in the form of granting the petition under Federal law; and

WHEREAS, the Plan Commission found that the accommodation request was not a reasonable burden to place on the Village and concurrent government bodies given the size of the Village and concurrent government bodies; and

WHEREAS, the corporate authorities of the Village agree [disagree] (*at the option of the movant*) with the Plan Commission's findings of fact and find that the Petitioner has not [has] (*at the option of the movant*) met its burden under the Itasca Zoning Ordinance; and

WHEREAS, the corporate authorities of the Village recognize that persons in treatment for drug and alcohol addictions are handicapped or disabled under Federal law; and

WHEREAS, the corporate authorities find in their legislative policy making role that, although Petitioner has not met [met] (*at the option of the movant*) the findings of fact necessary for a planned development by special use under the Itasca Zoning Ordinance, Petitioner has met the standards for a reasonable accommodation under Federal law; and

WHEREAS, the corporate authorities find in their legislative policy making role that, the conditions recommended by staff and the Petitioner lessen the burden on community resources, including on the Itasca Fire Protection District and School District 10, and make the requested accommodation reasonable; and

WHEREAS, the corporate authorities of the Village disclaim and disregard any and all public comment, as well as correspondence, in all forms, from members of the public objecting to the proposed Petition on the grounds of unsubstantiated stereotyping and unlawful discrimination against those disabled by drug or alcohol addiction including any and all potential clients of the Petitioner, as wrong and immaterial to the reasons for this approval; and

WHEREAS, a residential in-patient and out-patient treatment coupled with a recovery homes component within the B-2 Business District combines a business healthcare use with a residential component, which requires a planned development by special use.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: The foregoing recitals are incorporated herein as the legislative policy judgments and conclusions of the corporate authorities.

SECTION TWO: Pursuant to the foregoing findings of legislative policy, the corporate authorities approve Petitioner's application for (1) a planned development by special use in accordance with § 14.12 of the Zoning Ordinance to operate a mixed-use residential and healthcare facility and other accessory uses in the B-2 Community Business District at 860 W. Irving Park Road with exceptions and (2) a Class I Site Plan Review in accordance with § 14.13 of the Zoning Ordinance, subject to the conditions below.

SECTION THREE: The approval granted in Section Two of this Ordinance are subject to the following conditions:

1. Permit documents must be in substantial compliance with Plan Commission and Village Board submittals.
2. The project must comply with all Village Ordinances, Building Codes, Standard Specifications, and the DuPage County Stormwater Ordinance in place at the time of permit application.
3. Approval is subject to compliance with all final engineering standards and fire codes of the Village.
4. A complete sign review package will be required for review prior to installation. The sign plan shall show the setbacks of each ground sign from adjacent property lines.
5. Removal of the existing billboard sign.
6. Petitioner's application contemplates a maximum of 240 overnight clients and residents at any given time. If approved, any increase in the number of beds over 240 must be approved by the Plan Commission and Village Board by amendment to the special use for a planned development.
7. Petitioner's application states that no children will be allowed to stay at the facility overnight even if his/her/their parent(s) are part of the treatment program. If approved, any change in this policy must be approved by the Plan Commission and Village Board by amendment to the special use for a planned development.
8. Haymarket agrees to enter into a contract with a private ambulance company to handle basic life support calls generated by Haymarket DuPage as a condition of opening and operating its facility.
9. Haymarket agrees to enter into a contract with an additional private ambulance company if needed to provide additional capacity to handle basic life support calls that may arise.
10. Haymarket agrees to meet immediately or at any time prior to the opening of the facility with the Itasca Fire Protection District (IFPD) to review protocols that will govern Haymarket's relationship with the secondary private ambulance company or companies. Haymarket will agree to consider any reasonable recommendations suggested by IFPD to ensure collaboration and the provision of efficient emergency services to Itasca residents and businesses.
11. Haymarket agrees to meet as needed upon the request of the IFPD and/or the Itasca Police Department (IPD) to review call volumes generated by Haymarket DuPage and will commit to work collaboratively to further the provision of efficient emergency services to Itasca residents and businesses.
12. Haymarket commits to continue to pay the assessments owed for Special Service Area No. 3.

SECTION FOUR: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION FIVE: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION SIX: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

	Trustee Aiani	Trustee Gavaness	Trustee Leahy	Trustee Linsner	Trustee Madaras	Trustee Powers	Mayor Pruyn
Aye	<input type="checkbox"/>						
Nay	<input type="checkbox"/>						
Absent	<input type="checkbox"/>						
Abstain	<input type="checkbox"/>						

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this 2nd day of November, 2021.

APPROVED:

Village President Jeffery J. Pruyn

ATTEST:

Village Clerk Jody Conidi

ORDINANCE NO. 1992-21(B)

**AN ORDINANCE DENYING A PLANNED DEVELOPMENT
BY SPECIAL USE WITH EXCEPTIONS AND
CLASS I SITE PLAN REVIEW (HAYMARKET DUPAGE)**

WHEREAS, Haymarket DuPage, LLC (hereinafter referred to as “Petitioner”) has filed a Petition requesting approval for:

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

for the property located at 860 W. Irving Park Road, in the Village of Itasca (hereinafter “Subject Property”); and

WHEREAS, Petitioner submitted an application, attached hereto as Exhibit A, for the approval of the planned development by special use; and

WHEREAS, Petitioner proposed a Class I Site Plan, attached hereto as Exhibit B; and

WHEREAS, a public hearing was held by the Itasca Plan Commission from October 16, 2019 to September 22, 2021, on Petitioner’s application, pursuant to public notice as required by law, with respect to Petitioner’s application; and

WHEREAS, the Plan Commission recommended to the Village of Itasca Board of Trustees that the application be denied because the Plan Commission found that the following findings of fact were not established by the Petitioner:

1. The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
2. Such use will not under the circumstances of the particular case be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
3. The proposed use will comply with the regulations and conditions specified in the Zoning Ordinance for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.

WHEREAS, the Plan Commission considered the Petitioner's request for a reasonable accommodation in the form of granting the petition under Federal law; and

WHEREAS, the Plan Commission found that the accommodation request was not a reasonable burden to place on the Village and concurrent government bodies given the size of the Village and concurrent government bodies; and

WHEREAS, the corporate authorities of the Village find in their legislative policy making role that granting the Petitioner's request for a planned development by special use would create an unsustainable burden on community resources, including on the Itasca Fire Protection District and School District 10; and

WHEREAS, the corporate authorities of the Village recognize that persons in treatment for drug and alcohol addictions are handicapped or disabled under Federal law; and

WHEREAS, the corporate authorities of the Village disclaim and disregard any and all public comment, as well as correspondence, in all forms, from members of the public objecting to the proposed Petition on the grounds of unsubstantiated stereotyping and unlawful discrimination against those disabled by drug or alcohol addiction including any and all potential clients of the Petitioner, as wrong and immaterial to the reasons for this denial; and

WHEREAS, a residential in-patient and out-patient treatment coupled with a recovery homes component within the B-2 Business District combines a business healthcare use with a residential component, which requires a planned development by special use.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: The foregoing recitals are incorporated herein as the legislative policy judgments and conclusions of the corporate authorities.

SECTION TWO: Pursuant to the foregoing findings of legislative policy, the corporate authorities uphold the Plan Commission's recommendation and deny Petitioner's application for approval of (1) a planned development by special use in accordance with § 14.12 of the Zoning Ordinance to operate a mixed-use residential and healthcare facility and other accessory uses in the B-2 Community Business District at 860 W. Irving Park Road with exceptions and (2) a Class I Site Plan Review in accordance with § 14.13 of the Zoning Ordinance.

SECTION THREE: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION FOUR: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

	Trustee Aiani	Trustee Gavaness	Trustee Leahy	Trustee Linsner	Trustee Madaras	Trustee Powers	Mayor Pruyn
Aye	<input type="checkbox"/>						
Nay	<input type="checkbox"/>						
Absent	<input type="checkbox"/>						
Abstain	<input type="checkbox"/>						

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this 2nd day of November, 2021.

APPROVED:

Village President Jeffery J. Pruyn

ATTEST:

Village Clerk Jody Conidi