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Transcript of **Public Hearing Petition 4364 - Volume
9**

Date: February 9, 2016

Case: Kane County Zoning Board of Appeals

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BEFORE THE KANE COUNTY ZONING BOARD OF APPEALS

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In Re: :
MAXXAM PARTNERS, LLC :
Special Use request in the :
F Farming District for a :
private-pay alcoholism and :
substance abuse treatment : Petition No. 4364
facility 41W400 Silver Glen :
Road, Section 19, Campton :
Township (08-19-400-004) and :
Section 34, Plato Township :
(05-34-300-032 & 05-34-400-025) :

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PUBLIC HEARING - VOLUME IX

St. Charles, Illinois

Tuesday, February 9, 2016

7:00 p.m.

Job No.: 103961

Pages: 1246 - 1319

Reported by: Paula M. Quetsch, CSR

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Report of proceedings held at the location of:

KANE COUNTY CIRCUIT COURT CLERK -
BRANCH COURT
530 South Randall Road
St. Charles, Illinois 60174
(630) 232-3495

Before Paula M. Quetsch, a Certified Shorthand
Reporter and a Notary Public in and for the State of
Illinois.

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PRESENT:

- JOSEPH WHITE, Chairman
- HAROLD BOWEN, Member
- PENNY CAMERON, Member
- DANIEL HEINRICH, Member
- ROBERT MOGA, Member
- GERALD REGAN, Member
- ROXANNE STOVER, Member

ON BEHALF OF THE APPLICANT MAXXAM PARTNERS, LLC:

- HONORABLE F. KEITH BROWN, ESQUIRE
- ANDREW KOLB, ESQUIRE
- MEYERS & FLOWERS
- 3 North Second Street
- St. Charles, Illinois 60174
- (630) 232-6333

ON BEHALF OF KANE COUNTY:

- ERIN GAEKE, ESQUIRE
- KATHLEEN WATSON, ESQUIRE
- KANE COUNTY STATE'S ATTORNEY JOSEPH MC MAHON
- 37W777 Route 38
- St. Charles, Illinois 60175
- (630) 232-3500

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ON BEHALF OF THE KANE COUNTY BOARD:

PATRICK KINNALLY, ESQUIRE
KINNALLY FLAHERTY KRENTZ LORAN
HODGE & MASUR, PC
2114 Deerpath Road
Aurora, Illinois 60506
(630) 907-0909

ON BEHALF OF THE OBJECTOR:

KEVIN M. CARRARA, ESQUIRE
RATHJE WOODWARD, LLC
300 East Roosevelt Road
Suite 300
Wheaton, Illinois 60187
(630) 668-8500

ALSO PRESENT:

MARK VAN KERKHOFF, Zoning Enforcing Officer
KEITH BERKHOUT, Secretary

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1 CHAIRMAN WHITE: I have 7:00, so I'll call
2 the meeting to order.

3 Everybody please rise for the pledge.

4 (The Pledge of Allegiance was recited.)

5 CHAIRMAN WHITE: Secretary, please call
6 the roll.

7 MR. BERKHOUT: Bowen.

8 MEMBER BOWEN: Here.

9 MR. BERKHOUT: Cameron.

10 MEMBER CAMERON: Here.

11 MR. BERKHOUT: Heinrich.

12 MEMBER HEINRICH: Here.

13 MR. BERKHOUT: Moga.

14 MEMBER MOGA: Here.

15 MR. BERKHOUT: Regan.

16 MEMBER REGAN: Here.

17 MR. BERKHOUT: Stover.

18 MEMBER STOVER: Here.

19 MR. BERKHOUT: White.

20 CHAIRMAN WHITE: Here.

21 First order of business is to approve the
22 minutes of the four meetings you see listed. I will
23 take each of them individually.

24 Is there a motion to approve the minutes of

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1 the January 26th hearing?

2 MEMBER BOWEN: So moved, Mr. Chairman.

3 CHAIRMAN WHITE: Moved by Mr. Bowen.

4 MEMBER STOVER: Second.

5 CHAIRMAN WHITE: Seconded by Ms. Stover.

6 All in favor say eye.

7 (Ayes heard.)

8 CHAIRMAN WHITE: Opposed, same sign.

9 (No response.)

10 CHAIRMAN WHITE: Motion carries.

11 The next minutes are January -- meeting of
12 January 28th.

13 MEMBER BOWEN: So moved, Mr. Chairman.

14 CHAIRMAN WHITE: Moved by Mr. Bowen,
15 seconded by Mr. Heinrich. Any discussion,
16 additions, corrections?

17 (No response.)

18 CHAIRMAN WHITE: All in favor say eye.

19 (Ayes heard.)

20 CHAIRMAN WHITE: Opposed, same sign.

21 (No response.)

22 CHAIRMAN WHITE: Motion carries.

23 Motion to approve the minutes of February 1st.

24 MEMBER BOWEN: So moved, Mr. Chairman.

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1 MEMBER CAMERON: Second.

2 CHAIRMAN WHITE: Moved by Mr. Bowen,
3 seconded by Ms. Cameron. Any additions or
4 corrections?

5 (No response.)

6 CHAIRMAN WHITE: And I believe this is where
7 I found an error. It's on line -- excuse me 1240 --
8 page 1244, line 3. It states that Mr. Brown
9 responded when it should have been Mr. Bowen.

10 Any other additions or corrections.

11 (No response.)

12 CHAIRMAN WHITE: Hearing none, all in favor
13 say aye.

14 (Ayes heard.)

15 CHAIRMAN WHITE: Opposed, same sign.

16 (No response.)

17 CHAIRMAN WHITE: Motion carries.

18 And the last one is the February 2nd
19 meeting. Is there a motion to approve?

20 MEMBER BOWEN: So moved, Mr. Chairman.

21 CHAIRMAN WHITE: Moved by Mr. Bowen,
22 seconded by Ms. Stover.

23 Any additions or corrections?

24 (No response.)

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1 CHAIRMAN WHITE: Seeing none, all in favor
2 say aye.

3 (Ayes heard.)

4 CHAIRMAN WHITE: Opposed, same sign.

5 (No response.)

6 CHAIRMAN WHITE: Motion carries.

7 This evening we're here to render a decision
8 on the Petition No. 4364 which was a special use
9 request in the F Farming District for a private pay
10 alcoholism and substance abuse treatment facility.
11 It's located on 41W400 Silver Glen Road, Section 19 of
12 Campton Township and Section 34 of Plato Township.
13 The applicant is Glenwood Academy and Maxxam Partners.

14 Do you have some other order of business we
15 need to take care of at this time, Mr. VanKerkhoff?

16 MR. VAN KERKHOFF: Yes. Good evening,
17 Mr. Chairman, and members of the Zoning Board of
18 Appeals.

19 Since your last hearing I had received
20 several FOIA requests from Mr. Joe Miller, trustee
21 of Campton Township. I think you're familiar with
22 Joe. I think he's been at every hearing,
23 participated on behalf of the township, and cross-
24 examining witnesses, and made a closing statement

1 last Monday evening.

2 And subsequent to his review of the
3 transcripts which I provided for his FOIA request he
4 sent me an e-mail objecting -- an objection to and
5 notification of potential violation of the Open
6 Meetings Act.

7 I did -- that was on Friday, February 5th at
8 12:06 p.m. I did share this with our State's
9 Attorney's office who reviewed it and felt there was
10 no violation made.

11 He did request at the end of his e-mail that
12 his objection be entered into the public record per
13 this petition. I've provided each one of you with a
14 copy of that. Would you like me to read that into
15 the record, Mr. Chairman?

16 CHAIRMAN WHITE: Do Board members need
17 it read?

18 MEMBER STOVER: No.

19 MEMBER CAMERON: No.

20 CHAIRMAN WHITE: Has everybody had a chance
21 to review it? We'll dispense with the reading then.

22 MR. VAN KERKHOFF: Okay. And then the
23 record shows this is made part of the public record
24 for the petition?

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1 CHAIRMAN WHITE: Yes. It will be.

2 Okay. I think the next order of business is
3 I ask everybody to silence your cell phones, and
4 please observe the rules of the courtroom during
5 this proceeding.

6 There is no public comment this evening.
7 This is simply a deliberation by the Board as to the
8 petition that I mentioned earlier. We will render
9 our decision at the end of the meeting, and then
10 there will be several announcements after the final
11 vote is taken. So I ask that you maintain silence
12 during this process.

13 Are you ready with your presentation,
14 Mr. VanKerkhoff?

15 MR. VAN KERKHOFF: Yes, I am. Thank you,
16 Mr. Chairman.

17 You have also distributed to the members of
18 the Zoning Board of Appeals what is the draft or the
19 beginning of what will be your report to the full
20 County Board. Most of the material on the first
21 two pages are summary information on the petition.
22 This is the same as the material that was provided
23 in the staff report that the staff provided to the
24 Zoning Board at the beginning of the hearing

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1 process. The same information will be informative
2 to the County Board members as they review your
3 findings of fact. The remainder of pages 2, 3, and
4 4 are the six items that you'll be discussing tonight
5 in coming up with your findings of fact.

6 During the course of your deliberations
7 we'll be taking copious notes and reading those back
8 to you for your verification and then finalizing
9 this in the report to, first, the development
10 committee and then the full County Board.

11 So with that you have those -- the standards
12 before you. This is per Section 4.8-2 where the
13 zoning ordinance as to special uses states that,
14 "Uses herein enumerated which may be proposed for
15 classification of a special use shall be considered
16 at a public hearing before the Zoning Board, and a
17 report of its findings of fact and recommendations
18 shall be made to the County Board following the
19 public hearing provided that the County Board in its
20 report of findings and facts and recommendations to
21 the County Board shall not recommend a special use
22 unless the Zoning Board shall find the application
23 has met each of the six requirements specified in
24 the ordinance."

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1 So that's the section reference of them.
2 The first item for you to review and discuss as part
3 of a motion would be that the establishment,
4 maintenance, or operation of the special use will
5 not be unreasonably detrimental to or endanger the
6 public health, safety, morals, comfort, or general
7 welfare.

8 With that, Mr. Chairman, I'll turn it back
9 to you.

10 CHAIRMAN WHITE: Thank you. Were you going
11 to go through all six of them in your presentation?

12 MR. VAN KERKHOFF: I'd be happy to if you'd
13 like me to cover all six.

14 CHAIRMAN WHITE: Yes. And I'll repeat them
15 when we get to a time of -- after a motion has been
16 moved.

17 MR. VAN KERKHOFF: So that was the first of
18 six in the ordinance.

19 The second is that the special use will not
20 be injurious to the use and enjoyment of other
21 property in the immediate vicinity for the purposes
22 already permitted nor substantially diminish and
23 impair property values within the neighborhood.

24 Item C, that the establishment of the

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1 special use will not impede the normal and orderly
2 development and improvement of surrounding property
3 for uses permitted in the district.

4 That adequate utility, access roads,
5 drainage, and/or other necessary facilities have
6 been or are being provided.

7 And, E, that adequate measures have been or
8 will be taken to provide ingress and egress so
9 designed as to minimize traffic congestion in the
10 public streets and roads.

11 And, finally, F, that the special use shall
12 in all other respects conform to the applicable
13 regulations of the district in which it is located
14 except as such regulations may in each instance be
15 modified by the County Board pursuant to the
16 recommendations of the Zoning Board of Appeals.

17 That concludes the six standards.

18 CHAIRMAN WHITE: Okay. Thank you.

19 Do you have anything else?

20 MR. VAN KERKHOFF: No. But I do for the
21 Zoning Board's reference during the course of your
22 deliberations have the 2040 land use map, zoning
23 map, aerials, and the site plan diagram provided by
24 the petitioner. If you want to refer to any of

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1 those, I'd be happy to either go through those now
2 or just as needed.

3 CHAIRMAN WHITE: Let's see what you've got.

4 MR. VAN KERKHOFF: Okay. So we have the
5 2040 land use map showing its designation as
6 institutional and private open space which reflects
7 the existence of the Glenwood Academy on the site;

8 The zoning map you can see surrounded by the
9 Village of Campton Hills and the City of Elgin, as
10 well as the forest preserve and the existing special
11 use in the F District for the Glenwood facility.

12 There's the subject site. There it is with
13 a close-up with the boundaries. There it is with a
14 2-mile radius for reference, the half-mile radius
15 for reference, the bird's-eye view close-up of the
16 area of most of the facility improvements, buildings
17 that the petitioner proposes to use.

18 And then, finally, this is the site plan
19 diagram and labeling of the building uses provided
20 in the petition.

21 CHAIRMAN WHITE: Okay. Thank you.

22 If at any time a Board member wishes to see
23 any of those slides, just bring it to my attention
24 and we can bring them back up.

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1 So with that, we'll begin discussion.

2 Is there a motion?

3 MEMBER STOVER: Mr. Chairman, I would like
4 to move for approval of 4364 for the Maxxam Partners
5 coming to 41W400 Silver Glen Road for an alcohol and
6 substance abuse treatment center.

7 CHAIRMAN WHITE: So moved.

8 MEMBER BOWEN: Second, Mr. Chairman.

9 CHAIRMAN WHITE: Moved by Ms. Stover,
10 seconded by Mr. Bowen.

11 Discussion. We're going to -- as I
12 indicated or as Mark has indicated, we're going to
13 take each one of the criteria individually.

14 So at this time we're going to discuss
15 Point A, that the establishment, maintenance, and
16 operation of the special use will not be
17 unreasonably detrimental to or endanger public
18 health, safety, morals, comfort, or general welfare.

19 Discussion. Anyone seeking the floor?

20 MEMBER STOVER: Mr. Chairman, I'd like to
21 enter a few things, please, if I could.

22 I'm going to give a list of the people who
23 have testified and have submitted reports to the
24 positive that make the findings of fact here.

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1 And they start with our petitioner who gave
2 us a very good outline of the property and what
3 they're going to do there;

4 Leslie Hendrickson who also testified as to
5 the lack of crime correlation;

6 John Curtiss, the president of The Retreat,
7 in his 35 years of operation, in his letter he tells
8 us that in his experience that people do not leave
9 the facility; walkouts and voluntary discharges on a
10 high-end facility do not -- it's not been his
11 experience;

12 Trina Diedrich, who testified, as did
13 Mr. James Marcus, and as did Laura Garcia, to the
14 walkouts and to the proximity of crime and to how
15 it's run.

16 And I feel as though we had a mountain of
17 information as to the first criteria that the
18 establishment, maintenance, and operation of the
19 special use are not unreasonably detrimental or a
20 danger to the public health and safety.

21 We also had a report from two different
22 security companies. One was the monitoring company,
23 and one was the physical company. We had a report
24 from the fire department that outlined the fact that

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1 if -- that there are backups to them all around in
2 different communities. We also had the police
3 report that said that it would not be an overburden
4 to the police.

5 And I feel that all of those things weighed
6 heavily on my decision that this will not be
7 detrimental or dangerous.

8 CHAIRMAN WHITE: Anyone else seeking the
9 floor?

10 Ms. Cameron.

11 MEMBER CAMERON: I would also like to add
12 that the working staff is highly qualified and
13 specialized in exceptional skills, and they're there
14 24 hours a day, 7 days a week.

15 Every treatment center has this, and seeing
16 it's a private, isolated location that comes -- does
17 not come in contact with daily public, and the
18 safety is being cared for by both on campus and off
19 campus through the alarm detection, people located
20 on campus and on location through their imaging
21 cameras.

22 And, again, I want to express that the
23 clients are there on their own desire. They're not
24 court ordered and it's a private not public facility

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1 which provides a continuum of care, and there's a
2 difference between outpatient and inpatient who is
3 coming and going all the time.

4 CHAIRMAN WHITE: Mr. Regan.

5 MEMBER REGAN: I tell you there's no one
6 from the Maxxam organization that's come before this
7 board and told you --

8 AUDIENCE MEMBER: We can't hear you.

9 MEMBER REGAN: Can you hear me now?

10 AUDIENCE MEMBER: Yes.

11 MEMBER REGAN: No one from the Maxxam
12 organization has come before this Board and told us
13 exactly how they're going to put this thing together.

14 There are eight different houses or
15 buildings that must be managed and secured at all
16 times, and electric beam fences don't sound like
17 very secure to me.

18 CHAIRMAN WHITE: Anything else, Mr. Regan?

19 (No response.)

20 CHAIRMAN WHITE: Yes, Mr. Bowen. Please
21 speak right into the mic.

22 MEMBER BOWEN: Yes. For the record, I
23 really have no major objection to or against this
24 particular area as such for this particular special

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1 use. Unfortunately, I've had family which have
2 alcohol problems, several of them, so I will
3 understand how this is used.

4 However, I believe the special use petition,
5 a for-profit -- and let me emphasize for-profit
6 business use or any other for-profit business use
7 located on this property in the middle of a
8 residential area will have a detrimental effect on
9 the comfort and general welfare of the residents in
10 the surrounding area.

11 CHAIRMAN WHITE: Do you have anything else
12 you want to add to Point A?

13 MEMBER BOWEN: That is A, that is for A.

14 MEMBER REGAN: Joe.

15 CHAIRMAN WHITE: Mr. Regan.

16 MEMBER REGAN: Dr. Waller's report which was
17 pretty thorough on page 4 said it was significantly
18 detrimental to the property values as a result of an
19 increased risk or perceived risk of the facility --
20 near such a facility, and he also said that the
21 value of the property would no doubt be -- go down
22 by 8 to 17 percent.

23 CHAIRMAN WHITE: I think that is covered in
24 Criteria B.

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1 MEMBER REGAN: Okay.

2 CHAIRMAN WHITE: So do you want to bring
3 those points up when we get to that discussion?

4 MEMBER REGAN: Okay.

5 CHAIRMAN WHITE: We're just talking about
6 Point A at this point in time, the one that's up on
7 the screen.

8 Any other discussion?

9 Mr. Heinrich.

10 MEMBER HEINRICH: Yes. The facts -- I mean,
11 what -- Jerry and I were reading notes here before
12 about sheriff patrols would be upwards of 300.
13 Well, that doesn't -- out of 30,000, that's only
14 1 percent. That still seems like an awful lot of
15 calls. County is stretched very thin as far as at
16 times patrol cars two to the whole county and a lot
17 of times overnight and weekends and stuff, that is a
18 fact there.

19 We're relying upon too much local
20 participation here without local control I think is
21 what it amounts to.

22 CHAIRMAN WHITE: Any other discussion?

23 MEMBER STOVER: I'd like to discuss one more
24 thing, and this goes to the operations. Because I

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1 do believe if you look all through the testimony and
2 through all of the reports, starting with the Maxxam
3 Partners, I'm reading from about six pages where
4 they outline the operation of this facility.

5 There are several spots in here where they
6 talk exactly about what they're going to do. It
7 starts with the facility will offer patients a full
8 continuum of care. It talks about the intake, and
9 it talks about the way they interview them. It
10 talks about the discharge of them and how that's
11 going to take place. It talks about the security
12 24/7, talks about the cameras and thermal imaging.

13 It also talks in their -- right in their
14 opening statement about the patient lodges and that
15 Patient Lodge 1 will be used for the medically
16 managed detoxification, and 2 through 8 will house
17 the other patients. It talks about the dining room.
18 It is talks about what they're going to do with
19 motivating speakers and activities. It talks about
20 their daily routine, including important components
21 like basketball, yoga, exercise, volley ball,
22 physical activities.

23 It talks about their joint accreditation
24 they're going after. It talks about all the

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1 treatment will be inside the premises. It talks
2 about all the people who are going to be seeing
3 these people, a very large list of professional
4 staff that are going to see them. It's talking
5 about individual group therapy and doctors' visits.
6 It's talking about art and music. It talks about
7 the interiors and how they will be maintained.

8 And this is all in their very first meeting.
9 It talks about their conversations with the sheriff
10 and with the transportation department, and with the
11 forest preserve district and how the sheriff felt
12 that this was compatible and not much different than
13 the Glenwood School of Boys. The forest preserve
14 district had no words against it.

15 So I will tell you that I think this has a
16 lot to do with the operation in their very opening
17 statement.

18 Secondly -- and I read this three times now.
19 This is the Illinois Administrative Code 2060 that's
20 been referred to. It is comprehensive. What these
21 people have to do and go through to operate
22 day-to-day, week-to-week, month-to-month, and all
23 year long is incredible.

24 The only thing I don't know when I read

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1 this, and listen to them, and look at the statute is
2 what they're having for breakfast. So, honestly, we
3 do know how they have to operate. So that also fits
4 within Criteria No. 1.

5 MEMBER REGAN: I think that report also said
6 there will be about six police calls a year.

7 MEMBER STOVER: That's not the same report.

8 MEMBER REGAN: Well, it's in that report,
9 though. And the sheriff's report said there would
10 be between 100 and 300 combined responses to the
11 police -- from the police.

12 MEMBER STOVER: We did have varying reports
13 anywhere from 5 to 300. So that's somewhat in
14 question.

15 And I would like to go into something you
16 said about Dr. Waller's report because I went
17 through all of Dr. Waller's report. Having been in
18 the business for 17 years now, I wanted to see what
19 his rationale was here. So I went not only to the
20 expert report but his other report that talked about
21 "Not In My Back Yard." And I have to tell you I
22 think his rationality is not right in much of this.

23 And I'm going to go to a certain page in
24 here where he talks about 485 properties having been

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1 sold on page 25 in a 3-mile square radius in 15 --
2 or in 12 months around the Glenwood School for Boys.

3 I thought that sounded like an incredible
4 lot of sales, so I went onto the Multiple Listing
5 myself, but I did it with the technical staff today,
6 and had him pinpoint the same time I was where
7 Glenwood School for Boys was, and I went from
8 January 1st of 2015 through today.

9 When I go out 1 mile, there are 8 sold. And
10 when I go out 3 miles, there are 115. And all
11 through this report I find things like that.

12 Mr. Waller said, "I don't understand how he added to
13 this." And I want to point out the fact that
14 Mr. Waller is not an appraiser in Illinois. He's
15 never appraised in Illinois, and he has not had an
16 appraisal license for about 13 years.

17 Mr. Poletti, on the other hand, and
18 Mr. Lannert, and also Mr. MaRous have tens -- each
19 of them have been 20, and 30, and 40 years operating
20 within this state, and their conclusion was the
21 exact opposite of Mr. Waller's, which was that there
22 was going to be little or no impact on property
23 value in the area.

24 And I know that goes to B, but you mentioned

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1 that so I'm going to mention it back. I don't think
2 that Mr. Waller's expert witness report or his NIMBY
3 report were accurate. And if you look in the back of
4 Mr. Waller's NIMBY report where he cites everybody
5 that he's added into his batch of information, almost
6 all of them made reports on landfills, power lines,
7 and such, and then he -- and then he comes to a
8 conclusion that -- in one sentence that --
9 sex offenders, murderers, and drug treatment centers.
10 I don't see how they compare. I really don't.

11 MEMBER REGAN: Well, I liked his report and
12 I believed it.

13 (Murmurs from the audience.)

14 CHAIRMAN WHITE: Any other discussion -- as
15 I indicated, I'd like the audience to remain silent.

16 One thing I to want to add. There's been
17 discussion on the sheriff's report. I wanted to
18 bring to everybody's attention the sheriff was not
19 here to be cross-examined, but he also goes on to
20 say in his memo that he's written and provided to us
21 that the sheriff's office has adequate resources to
22 address the increase in the call load.

23 Mr. Moga.

24 MEMBER MOGA: Mr. Joe -- Chairman, I think

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1 in the first paragraph A, two key words there,
2 "unreasonably detrimental," and I think that could
3 be -- that could be a real gain here, unreasonably
4 detrimental. That's my feeling on that first
5 part, A.

6 CHAIRMAN WHITE: Any other discussion?

7 (No response.)

8 CHAIRMAN WHITE: Anyone else asking for
9 the mic?

10 (No response.)

11 CHAIRMAN WHITE: And is the staff prepared
12 to summarize the findings of fact?

13 MEMBER REGAN: You know, even though there
14 was an awful lot maybe written about how they're
15 going to operate, this thing was so fragmented that
16 I bet you not one person in this room could tell you
17 exactly how they plan to operate that facility. Even
18 though there was a lot written about, it hasn't been
19 put together so it was a reasonable presentation --
20 understandable presentation.

21 CHAIRMAN WHITE: Anyone else?

22 (No response.)

23 CHAIRMAN WHITE: Staff ready to report your
24 findings of fact?

1 Mark is going to read back what they've
2 heard for findings of fact. If you disagree with or
3 want to add anything, you'll have that opportunity
4 after he makes that report.

5 MR. VAN KERKHOFF: Thank you, Mr. Chairman.
6 I was taking various notes, and I have some note
7 taking help up here, so if I could have a moment
8 just to review, make sure I can summarize everything.

9 CHAIRMAN WHITE: That'd be fine.

10 (An off-the-record discussion was held.)

11 MR. VAN KERKHOFF: Okay. Thank you,
12 Mr. Chairman and members of the Zoning Board of
13 Appeals.

14 I'm going to attempt to summarize your
15 comments into two categories of text of findings to
16 the positive and to the negative to this point. So
17 I'll cover the things I heard, findings from the
18 positive first.

19 One, a recommended positive finding that the
20 petitioner did address operations of the facility in
21 their petition, that in the reports and witnesses
22 provided by the petitioner that there is not a
23 substantial impact on crime due to this type of
24 facility, that they also addressed in their reports

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1 the witnesses security for the facility and at least
2 in -- that there would not be an impact upon fire or
3 police based on some of the reports.

4 Is that an adequate summary of the items in
5 the positive? And then I'll move on to the negative.

6 MEMBER STOVER: Did you mention -- I'm sorry.

7 CHAIRMAN WHITE: Go ahead.

8 MEMBER STOVER: Did you mention a positive
9 finding of fact as to the operational of the
10 facility?

11 MR. VAN KERKHOFF: Yes, that was the first
12 one that I mentioned, that they had addressed the
13 operation of the facility.

14 CHAIRMAN WHITE: Did you include that they
15 have to go through a licensing procedure and follow
16 the 2060 requirements of the State?

17 MR. VAN KERKHOFF: That's what I believe
18 they were -- Ms. Stover was referring to that they
19 addressed those in the petition. Is that correct?

20 MEMBER STOVER: Yes.

21 MR. VAN KERKHOFF: Okay. Would you like me
22 to move on to the findings in the negative?

23 CHAIRMAN WHITE: Yes. Go ahead.

24 MR. VAN KERKHOFF: Okay. One being that --

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1 this being a for-profit business or any for-profit
2 business in this residential area would have a
3 detrimental impact on the residential uses.

4 The other being the discrepancy in the
5 number of calls that could happen to the site from
6 as low as 5 or 6 listed by the petitioner up to
7 100 to 300 as listed by the sheriff and other
8 reports, and that that would have an impact on
9 public safety.

10 And then the opinion of finding of the
11 opposite that the petitioner has not addressed
12 operations and how they would manage the facility.

13 CHAIRMAN WHITE: Hal, did he cover what you
14 brought up in your remarks?

15 MEMBER BOWEN: I beg your pardon.

16 CHAIRMAN WHITE: Did Mark cover what you
17 brought up in your remarks?

18 MEMBER BOWEN: Yes, he did. Thank you.

19 CHAIRMAN WHITE: Thank you.

20 Anybody want to add anything to the findings
21 of fact at this point?

22 MEMBER STOVER: Did you talk about the
23 security in that, Mark?

24 MR. VAN KERKHOFF: I did, that you felt that

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1 the report and witnesses had addressed security.

2 Now, there were comments on both sides
3 regarding property values, but I think those are
4 better addressed as findings under Criteria B. So
5 I'll hold those over to that section.

6 CHAIRMAN WHITE: And one thing I would like
7 to add, on the staffing Roxanne talked about the
8 operation, but they are going to exceed the staffing
9 that's required by the 2060 State licensure
10 requirements. I believe the number was 65 is
11 required, and there's 108 staffing personnel that
12 they're going to have on the facility.

13 Anything else anybody would like to add?

14 MEMBER MOGA: Yes.

15 MEMBER BOWEN: I just wanted to check one
16 thing because -- pardon me -- when you talk about --
17 I did say it was a detrimental effect on the comfort
18 and general welfare of the residents -- correct? --
19 please, in the surrounding area. I just wanted to
20 get it all in there.

21 MR. VAN KERKHOFF: Okay.

22 CHAIRMAN WHITE: And, Bob, did you have
23 something?

24 MEMBER MOGA: Chairman Joe, paragraph B is

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1 absolute --

2 CHAIRMAN WHITE: Bob, we're not there yet.
3 We haven't gotten to that yet. We're still
4 discussing Point A.

5 MR. VAN KERKHOFF: Mr. Chairman, to Mr. Moga's
6 comment that it's unreasonably detrimental, I just
7 wanted to clarify that his intention was that he
8 feels it is unreasonably detrimental and if he had a
9 finding or a fact he wanted to add with that.

10 CHAIRMAN WHITE: Is there anything you wanted
11 to add to that, Bob, any fact or anything you wanted
12 to put with that?

13 (No response.)

14 CHAIRMAN WHITE: Seeing none we'll --

15 MEMBER STOVER: I wanted to ask one more
16 question -- I'm sorry.

17 CHAIRMAN WHITE: Go ahead.

18 MEMBER STOVER: Did you add in
19 Mr. Hendrickson's report on the little effect of
20 crime surrounding that? It goes to the public
21 safety. So I didn't know if you read that, too --
22 I'm sorry -- I wasn't hearing very well.

23 MR. VAN KERKHOFF: My intent in reflecting
24 these findings were not to -- we obviously have them

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1 verbatim per the transcript, your comments -- but
2 trying to summarize your affirmative on the no-crime
3 impact and addressing security were based on the
4 reports and witnesses provided by the petitioner.

5 MEMBER STOVER: Okay. Thank you.

6 CHAIRMAN WHITE: All right.

7 Everybody ready to move on to Point B?

8 (No response.)

9 CHAIRMAN WHITE: Mr. Regan -- I'll read it.
10 "The special use will not be injurious to the use
11 and enjoyment of other property in the immediate
12 vicinity for the purposes already permitted nor
13 substantially diminish and impair property values
14 within the neighborhood."

15 Mr. Moga -- excuse me -- Mr. Regan.

16 MEMBER REGAN: Well, a lot of it from
17 Mr. Waller's report was that he figured it would
18 have a negative effect on the property values in the
19 area 8 to 17 percent, and, of course, it would
20 increase the traffic volume and increase the
21 crime rate.

22 You know, I don't know much about -- I don't
23 know a drug addict. I don't know an alcoholic. I
24 don't think I do -- maybe I do. But anyway, you

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1 know, a lot of those people are really out in left
2 field regardless of what facility they're in. Even
3 though we call this a high-end facility, the high-
4 end would indicate that somebody is able to pay the
5 price to try to have them healed up. But I think a
6 high-end operation like this, a drug addict is a
7 drug addict, and so that's why I think it's -- the
8 crime rate could increase.

9 CHAIRMAN WHITE: Anyone else seeking the
10 mic?

11 Mr. Moga.

12 MEMBER MOGA: Yes. We're on paragraph B
13 now, right?

14 CHAIRMAN WHITE: Yes.

15 MEMBER MOGA: I tell you what, this
16 paragraph B as far as I'm concerned is worth the
17 whole thing that we've been talking about for the
18 last nine meetings, "Substantially diminish and
19 impair property values within the neighborhood."
20 This is going to be a death charge.

21 CHAIRMAN WHITE: Anyone else seeking the
22 microphone?

23 MEMBER REGAN: I can tell you that I live in
24 Plato Township, built a house out there 50 years ago

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1 primarily out there because it was a good school
2 district, 301 was excellent schools. I kept pretty
3 good contact with a lot of the people. In fact, I
4 was elected six times as a township supervisor, and
5 originally I was appointed as a township trustee.
6 And I can tell you that the people that I know --
7 and I know a lot of them -- have told me in no
8 uncertain terms that they do not want a facility
9 like this out there in the middle of the county.

10 I mean, that's just about as plain as I can
11 make it.

12 CHAIRMAN WHITE: Ms. Stover.

13 MEMBER STOVER: I'm going talk about
14 Mr. MaRous' report, Mr. Poletti's, Mr. Lannert's
15 letter and his report and the conclusions they came
16 up with.

17 Again, Mr. Poletti and Mr. MaRous, they have
18 extensive appraisal capabilities and accolades in
19 the state of Illinois, and both of them came to the
20 conclusion that there would be no detrimental
21 diminishment of your property value. So I weighted
22 them very much more heavily than Mr. Waller, whose --
23 like I said, I did not agree with his methods.

24 And then I also want to point out something

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1 that was written by the chairman and CEO of EOA
2 Associates based in Chicago that is part of the
3 record. And it says, "I'm the author of design for
4 Towne Centre, have been a guest critic and lecturer
5 at University of Illinois Champaign School of
6 Architecture. I was one of the original architects
7 of the Glenwood School for Boys. In all my years
8 and among the projects, I could not imagine a better
9 design for the use proposed by the applicant, an
10 alcoholism and substance abuse treatment facility.
11 This adaptive reuse will maximize the potential of
12 the campus and master plan." There were similar
13 comments by Mr. Lannert.

14 And, also, I want to read the conclusions from
15 several different people, including the petitioner,
16 Mr. Lannert, and several other land planners that
17 the existing corporate limits of the surrounding
18 communities, the Village of Campton Hills and City
19 of Elgin will control the future development. Part
20 of B says that it would not diminish the neighborhood,
21 but it talks about the fact that the control will be
22 in Elgin and Campton's hands.

23 This property is already buffered. It's
24 20 percent of the buildings and 80 percent open

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1 space. It's very unique because it is surrounded by
2 forest preserve; it's surrounded by hedgerow; it's
3 surrounded by an oak forest of 640 acres. I mean,
4 it is set so far back off the road that most people
5 can't see it. By virtue of even being up against
6 the forest preserve, a great many of you that are up
7 against the forest preserve are even within an
8 eighth or a quarter mile of the buildings.

9 So it's a very unique property in that
10 respect, and I don't know how -- not even being able
11 to see this property I don't know what you think is
12 going to happen like on the property that would
13 diminish your value. I don't know, you know, what
14 you think that people would be doing on the property
15 or what you think you would see. We've already
16 talked about the safety.

17 So I don't think it will diminish the property
18 values, but I'm deferring to all the experts. They
19 did not believe that, also. The control will be in
20 the Campton village and it will be in Elgin village
21 from then on.

22 So they've talked about not building anymore
23 buildings; they've talked about doing interior fixing
24 of the buildings, making them more beautiful. We

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1 now know that you don't have a vacant property sitting
2 there -- and this is a big issue. This has been
3 vacant for a long time. There have been seven
4 vandalisms there. You now have control there; you
5 now have security there; you now have it being
6 groomed; you now have new neighbors who love the
7 property; you have people running the facility who
8 love those neighbors and they love you, and so I
9 don't know how that could be bad.

10 The next thing is -- and we haven't talked
11 about this much -- these people are going to go out
12 into the community with their foundation, and they're
13 going to volunteer to educate people. They're going
14 to -- they've got two of their partners who have
15 decided they're putting money in to start the
16 foundation. We didn't even get to hear that good
17 part but it's in our report.

18 They're going to be good neighbors to you,
19 and I don't know how that could diminish your property.

20 CHAIRMAN WHITE: Anyone else?

21 MEMBER BOWEN: Mr. Chairman.

22 CHAIRMAN WHITE: Speak into the mic.

23 MEMBER BOWEN: I appreciate the comments she
24 made, but I've listened to the testimony, to the

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1 comments on both sides concerning property value, and
2 I personally believe that this for-profit -- and I
3 say for-profit special use business petition and any
4 other for-profit business use in this property will
5 substantially diminish and impair the property values
6 in the neighborhood.

7 It appears in the past that nonprofit school
8 type of use on this property did not substantially
9 diminish or impair the property values in the
10 neighborhood.

11 CHAIRMAN WHITE: Anyone else seeking the mic
12 at this time?

13 MEMBER REGAN: Mr. Chairman, talking about
14 the value next to the property, I met a lad who told
15 me -- and he happened to be talking to the township
16 supervisor, and I happened to walk in the office,
17 and he told the lad that I was on the Zoning Board
18 but I didn't discuss anything. But he told me that,
19 "I live right next door to this property." He said,
20 "I have five" -- I think he said five children; he
21 might have said six. He said, "My worldly investment
22 is in my home right next door," and he says, "I just
23 do not want this facility next to my house."

24 CHAIRMAN WHITE: Mr. Heinrich.

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1 MEMBER HEINRICH: All these reports, a lot
2 of them are kind of conflicting. Being in business
3 you kind of throw out the high, and you throw out
4 the low, and you kind of try to believe what's in
5 between. It all stretched to a little bit lower
6 property values, maybe not as much as some. There's
7 going to be some effect, no doubt on that.

8 Another thing, like say with the fire safety
9 district, it was put in the paper what your rate is,
10 and I went home and looked at some of my tax bills,
11 and you're about a third to half of what other
12 property -- or fire protection districts are in the
13 area. So if that's your largest development, you
14 know, there's another investment to be made.

15 CHAIRMAN WHITE: Anyone else seeking the mic?
16 Ms. Cameron.

17 MEMBER CAMERON: I'm just going to add one
18 more, and that's the McCord study. You didn't mention
19 that one, but that goes along with everything else,
20 and it actually had the lowest incidence of crime.

21 CHAIRMAN WHITE: Anything else? Anybody who
22 would like to add at this time?

23 MEMBER STOVER: I would like to add one
24 more thing.

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1 CHAIRMAN WHITE: Feel free.

2 MEMBER STOVER: It has been stated, also, by
3 the MaRous & Company that this is a highest and best
4 use issue. And another point I'd like to make is I
5 think it was in the Poletti report, it may have been
6 in the MaRous that there would be not a lot of
7 clients who would be coming out to a facility of
8 this cost and this size in rural Kane County.

9 This is a great use for this property, and
10 without someone to buy that property, that could sit
11 there vacant for a long time and deteriorate, doing
12 damage to your property value.

13 CHAIRMAN WHITE: Another comment I'd like to
14 add is that in the staff report the forest preserve
15 district stated that the proposed use will not have
16 a negative impact on the adjacent forest preserve.
17 And I know there's been concern from the citizens
18 that they wouldn't be able to be utilize the forest
19 preserve property, and here the forest preserve
20 district themselves feels that they can accommodate
21 what the citizens are wanting.

22 Any other -- go ahead, Mr. Regan.

23 MEMBER REGAN: Mr. Chairman, what I want to
24 say is that as far as the security, I don't think an

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1 electric beam fence is security. I mean, they said
2 they could tell the difference between a deer and a
3 person, but that electric beam fence, it just doesn't
4 seem to be security to me.

5 CHAIRMAN WHITE: Any other comments at
6 this time?

7 MEMBER STOVER: Yeah, I would like to add a
8 couple more, please.

9 CHAIRMAN WHITE: Go ahead.

10 MEMBER STOVER: There's limited and
11 controlled access to this facility, meaning that,
12 you know, not anyone can just go in and out of
13 there. You don't even see the buildings from the
14 road. So I'm still not seeing the diminishment of
15 the property.

16 (Murmurs from the audience.)

17 CHAIRMAN WHITE: I'd like to ask the
18 audience to please remain silent.

19 Any other comments from Board members?

20 (No response.)

21 CHAIRMAN WHITE: Seeing none, is the staff
22 ready to list your findings of fact?

23 MR. VAN KERKHOFF: Mr. Chairman, just give
24 me a few moments and I'll be right back with you.

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1 (An off-the-record discussion was held.)

2 MR. VAN KERKHOFF: Okay. Thank you,
3 Mr. Chairman.

4 Okay. I'll start with the findings to the
5 positive. First thing -- and this will be a summary
6 of the findings and the reasons cited.

7 So to the finding of an opinion that it
8 would not be detrimental to diminish or impair
9 property values, coming to that conclusion based on
10 the information in the petition, the petitioner's
11 three expert witnesses and reports that there would
12 be no impact on property values; also related to
13 that that the surrounding area, much of which is
14 under the control of the Village of Campton Hills;
15 from a land use standpoint, that -- I believe that
16 the reports and witnesses they said there would not
17 be an increase in crime that would impact values;
18 and then, also, that the property has -- is uniquely
19 buffered from the surrounding properties, the forest
20 preserve, and the way the campus is mostly open
21 space and has one point of control. And then, also,
22 that it would not be diminishment of property values
23 based on that the campus is currently vacant, and
24 the proposed use would put the campus back into use.

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1 CHAIRMAN WHITE: Any comments on the finding
2 of fact that he's brought forth at this time?

3 (No response.)

4 CHAIRMAN WHITE: Go ahead, Mark, continue.

5 MR. VAN KERKHOFF: And then the summary of
6 the members whose findings would be that the
7 property values would be substantially diminished or
8 impaired, one being that because this is a for-profit
9 use as opposed to the former not-for-profit use, a
10 belief in the findings of the Waller report that
11 relate to diminishment of property values, as well
12 as perception.

13 Then based on the sheriff's report, also,
14 the increase -- there would be an increase in
15 traffic, increase in crime, and that the security
16 measures are not adequate for protecting the
17 property values.

18 CHAIRMAN WHITE: Anyone else want to add
19 anything?

20 MEMBER BOWEN: Just for clarification, if I
21 may, on the statement -- on my statement that it
22 will -- pardon me -- that this business use will
23 substantially diminish and impair the property
24 values, please.

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1 MR. VAN KERKHOFF: Yes. And for that finding
2 based on it being a commercial use; correct?

3 MEMBER BOWEN: Right. Based on the for-profit.

4 MR. VAN KERKHOFF: For the for-profit use,
5 correct.

6 MEMBER BOWEN: Thank you. I wasn't sure you
7 said you got it all in. My apologies.

8 MR. VAN KERKHOFF: No, that's why we're
9 doing this.

10 CHAIRMAN WHITE: Any other comments? We're
11 still on Point B at this time establishing the
12 findings of facts. Anything anyone would like to
13 add at this time?

14 (No response.)

15 CHAIRMAN WHITE: We'll move on to Point C,
16 that the establishment of the special use will not
17 impede the normal and orderly development and
18 improvement of surrounding property for uses
19 permitted in the district.

20 Anyone wishing the mic?

21 MEMBER STOVER: I'll go first you'd like, Joe.

22 CHAIRMAN WHITE: Mr. Regan.

23 MEMBER REGAN: My comment before should have
24 been on C rather than the last one where that lad said

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1 he lived right next door, he has five or six kids, and
2 his worldly investment was in his home, and he just
3 did not want a facility such as that next door.

4 CHAIRMAN WHITE: Anyone else?

5 MEMBER STOVER: We're on C?

6 CHAIRMAN WHITE: We're on C.

7 Mr. Moga.

8 MEMBER MOGA: Yes, Chairman Joe. This is a
9 little off the record, but I want it to be heard.
10 Five years ago I was operated on in Chicago at the
11 University of Illinois, and after about three or
12 four --

13 CHAIRMAN WHITE: Bob, I'm going to allow Board
14 members to make comments after we've gone through all
15 six of these. So I'd like you to address that after
16 we've gone through the six findings of fact.

17 MEMBER MOGA: We'll wait. Thank you.

18 CHAIRMAN WHITE: Remind me when we get to that.
19 Criteria C. Any other discussion on
20 Criteria C?

21 MEMBER STOVER: Yes.

22 Again, I'm going to go to that -- the
23 Poletti, and Lannert, and MaRous' studies, and they
24 talk specifically about the primary land use in the

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1 area being farm land and open space. And since
2 there are publicly owned lands all around this, it's
3 not going to impede the orderly development of the
4 property in the area because those villages will be
5 controlling the growth in the area.

6 The controls are in place because of that,
7 because it's highly controlled by the villages.
8 Also, because it's surrounded by forest preserve,
9 that's a publically used land, that's not going to
10 be developed.

11 Growing in any way for this facility would
12 be very difficult in its present state, and so
13 that's my third point as to the orderly growth in
14 the area, normal orderly growth.

15 CHAIRMAN WHITE: Anyone else have comments?

16 Mr. Bowen.

17 MEMBER BOWEN: Mr. Chairman, having listened
18 to all the testimony and then reading over all of
19 the paperwork that came in, and I'm sorry I can't
20 think of the proper name, but all the hearings in
21 this thing. We heard different things coming in,
22 and even after all the testimony and the comments
23 that have been made on both sides, I still believe
24 this proposed special use, a for-profit -- I have to

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1 emphasis a for-profit commercial business use petition
2 and any other for-profit commercial business use on
3 this property would impede the normal and orderly
4 development of the surrounding areas, not just in
5 the immediate surrounding area but all of the area
6 going in within more than just next door to it. It
7 would be the surrounding area, which is more than
8 just next door or where the forest preserve is.

9 Thank you.

10 CHAIRMAN WHITE: Ms. Cameron.

11 MEMBER CAMERON: I'm going to make reference
12 to the Leslie Hendrickson report that this is being
13 operated as a rehab center for a disabled client and
14 that these clients are trying to break out of their
15 addiction, and the residential programs take the
16 client away from the triggers and the social
17 situations and give them a chance to heal. So I
18 think it would be a good location.

19 CHAIRMAN WHITE: Any other comments?

20 (No response.)

21 CHAIRMAN WHITE: As Ms. Stover mentioned,
22 the property is surrounded by forest preserve, and
23 it's also -- much of it is under control of Campton
24 Hills municipality, and then also Elgin I believe

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1 touches -- butts up against the property.

2 So the development and improvement of the
3 surrounding property will be dictated by those other
4 municipalities and by the forest preserve district.
5 We know the forest preserve is going to remain open.

6 Any other comments?

7 Mr. Regan.

8 MEMBER REGAN: I'd say that a 700-acre
9 forest preserve is not a lot of land when you think
10 of the whole scope of the program.

11 MEMBER STOVER: But we're talking about
12 orderly development going on.

13 CHAIRMAN WHITE: So the development will be
14 severely limited by those facts, that the forest
15 preserve owns it and that Campton Hills controls its
16 destiny.

17 Any other comments?

18 (No response.)

19 CHAIRMAN WHITE: Is the staff ready to make
20 their report?

21 MR. VAN KERKHOFF: Just give me one moment,
22 please.

23 (An off-the-record discussion was held.)

24 MR. VAN KERKHOFF: Okay. Thank you. I'll

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1 note also, again, that all of your testimony will be
2 in the transcripts, so I'm trying to summarize
3 findings that are related to the point and related
4 to the facts.

5 So while I appreciate that some of your
6 other comments are intersprinkled in that, my
7 summary is going to try to stick to the things that
8 are relevant to the finding of fact.

9 So the positive, again, finding will be that
10 it will not impede normal development in surrounding
11 properties. That finding is based on that the land
12 uses in the immediate vicinity are established,
13 including the open space that the forest preserve
14 controls that will never be developed, that much of
15 the land and land use control in the vicinity is in
16 the Village of Campton Hills, and that these above
17 are based on the testimony and the studies from the
18 three experts provided by the petitioner and the
19 information in the petition.

20 Does that summarize your positive finding
21 points?

22 CHAIRMAN WHITE: Any other comments at this
23 time? Any modifications of what Mark has stated?

24 MEMBER STOVER: Did you mention, also, the

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1 fact that it would be difficult for them to grow
2 their own project in its present state? So
3 development of even its own project, did you mention
4 that, Mark?

5 MR. VAN KERKHOFF: I'll make sure that's
6 included, yes.

7 CHAIRMAN WHITE: Anything else?

8 (No response.)

9 CHAIRMAN WHITE: Not seeing anything else,
10 we'll move on to Point D.

11 MR. VAN KERKHOFF: I'm sorry, Mr. Chairman,
12 that was the positive points.

13 CHAIRMAN WHITE: Oh, I'm sorry. Go ahead.

14 MR. VAN KERKHOFF: The negative would be a
15 finding that would be impede the normal and orderly
16 development, again, based on the reports and
17 petition, as well as the testimony, and I think the
18 word Mr. Bowman was looking for were the transcripts
19 that were provided by our service in a timely
20 fashion for you all to review; that it would -- in
21 his opinion that it would impede, again, because
22 it's a for-profit or commercial use introduced into
23 the land uses already existing.

24 CHAIRMAN WHITE: Any comments on what's been

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1 stated?

2 MEMBER BOWEN: For-profit. Thank you.

3 CHAIRMAN WHITE: Okay. We'll move on to
4 Criteria D at this time, that the adequate utility,
5 access roads, drainage, and/or other necessary
6 facilities have been or are being provided.

7 MEMBER BOWEN: Mr. Chairman.

8 CHAIRMAN WHITE: Yes, Mr. Bowen.

9 MEMBER BOWEN: It'll be different for me
10 this time around, but after testimony I believe the
11 petitioner has shown that he will comply with all
12 requirements of this section for the special use
13 petition.

14 CHAIRMAN WHITE: Thank you.

15 Any other comments?

16 Ms. Stover.

17 MEMBER STOVER: Yes, I have a comment.

18 We have a report from the traffic study by
19 Mr. Castillo, if I'm saying his name right, KLOA
20 stating that in his opinion that it will not be
21 detrimentally too much more traffic. And we have
22 reports from Sheaffer & Roland to the potable water,
23 the fire system, and the wastewater treatment, that
24 it's in good operating condition. I think most

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1 people realize on a land application like this they
2 have to go repermitting and checking of those often,
3 and that necessary utilities and other necessary
4 facilities needed are there in place already.

5 CHAIRMAN WHITE: Anyone else?

6 Mr. Regan.

7 MEMBER REGAN: Mr. Chairman, you know, they
8 say that they're going to be somewhere between
9 75 and 100 employees, and those roads out there are
10 relatively minor roads.

11 And the police calls, I think one of the
12 remarks were about the amount of noise, and sirens,
13 and lights, and all involved in their answering
14 a call.

15 But the roads in the area are relatively
16 minor roads, and 100 employees sounds like a lot of
17 people answering the morning call. It seems like
18 the roads would some day have to be improved.

19 CHAIRMAN WHITE: Any other comments?

20 (No response.)

21 CHAIRMAN WHITE: I would say that KDOT in
22 their staff report said that they didn't feel any
23 improvements needed to be made to the roadways. It
24 does have a right-turn lane, deceleration lane. It

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1 does have stop signs at the exit of the facility
2 which is a paved road.

3 Anything else anybody would like to add at
4 this time?

5 (No response.)

6 CHAIRMAN WHITE: There was mention of
7 100 employees, but they are going to be sprinkled
8 over three shifts. So you won't have 100 employees
9 coming all at once. I think that was the testimony
10 that was made by the petitioner.

11 Anything else? Anyone else want to add
12 anything?

13 (No response.)

14 CHAIRMAN WHITE: Staff have a report of the
15 findings?

16 MR. VAN KERKHOFF: Sure. To the positive,
17 that adequate utility access roads, drainage, or
18 other necessary facilities have been or are being
19 provided, that petitioner has shown over the course
20 of the hearings that they have those necessary
21 facilities; that from a traffic impact, the KDOT
22 report and the staff report backs that up; that the
23 KLOA report provided by the petitioner shows that
24 sufficient facilities are in place, as well as the

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1 Sheaffer & Roland report on the necessary utilities
2 for the site are already in place.

3 Anything else on the positive?

4 MEMBER STOVER: I did want to add one more
5 thing. The applicant's -- in the application from
6 the Maxxam Partners it also said, "Given that the
7 applicant's facility will generate less traffic than
8 the Glenwood Academy, the access road will meet the
9 needs of the applicant."

10 So in the traffic study I think is where
11 that was brought up, but this is no more intense use
12 than the Glenwood School for Boys.

13 CHAIRMAN WHITE: And I would add, too, that
14 the fire district reviewed the facility because
15 there was question whether they needed another
16 access point, and they felt it was their opinion
17 that the main entrance that's currently under use
18 would be sufficient to provide for their ingress and
19 egress.

20 Anyone else seeking the mic at this time?

21 (No response.)

22 CHAIRMAN WHITE: Go ahead, Mark.

23 MR. VAN KERKHOFF: Okay. And then to the
24 negative, that the necessary facilities have not

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1 been provided or in place, concern over the impact
2 of 75 to 100 employees on the existing road system
3 and the type of roads leading up to the facility,
4 and then the impact of additional police calls.

5 I guess I would ask for clarification if you
6 meant police and fire, EMS calls in that impact.

7 MEMBER REGAN: Well, the sheriff's report
8 said there'd be at least -- there'd be probably
9 100 to 300 combined responses for the police
10 department there. I mean, that's what I -- somewhere
11 they talked about all the noise and the lights, and
12 would not be good for the neighborhood.

13 MEMBER STOVER: I would like to add then, if
14 he's going to say that, that I believe the studies
15 said 5 to 8 calls. There was two or three of them.
16 So that's a wide disparity. So 2 to 3, 5 to 8 a
17 year, that was from professionals in the state that
18 have worked in these facilities as many as 20 years,
19 5 to 8. I believe that was --

20 MEMBER REGAN: I believe that's way too low,
21 and I believe the sheriff --

22 MEMBER STOVER: But if you're going to have
23 your negative comment in there, I'd like my positive
24 comment in there.

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1 MEMBER REGAN: I'm not negative. I'm just
2 telling the facts.

3 (Murmurs from the audience.)

4 MEMBER STOVER: So is mine.

5 CHAIRMAN WHITE: Anything else, Mark?

6 MR. VAN KERKHOFF: Not unless the --

7 CHAIRMAN WHITE: Everybody satisfied with
8 his findings of fact that he's stated?

9 (No response.)

10 CHAIRMAN WHITE: I'll move on then to
11 Criteria E.

12 MEMBER BOWEN: Mr. Chairman.

13 CHAIRMAN WHITE: Yes, Mr. Bowen.

14 MEMBER BOWEN: After listening to all the
15 testimony of petitioner, I believe the petitioner
16 has shown there will be little, if any, additional --
17 and let me emphasize additional traffic congestion
18 on the public streets and roads in the area of the
19 special use petition, and I want to emphasize little
20 additional congestion.

21 CHAIRMAN WHITE: Again, I'll just read it
22 for everybody else "That adequate measures have been
23 or will be taken to provide ingress and egress so
24 designed as to minimize traffic congestion in the

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1 public streets and roads."

2 Anyone have any other comments?

3 (No response.)

4 CHAIRMAN WHITE: Anyone seeking the mic?

5 (No response.)

6 CHAIRMAN WHITE: And I'd probably just
7 reiterate that the roads have been designed to
8 accommodate a facility of that size similar to what
9 we spoke about in the last criteria.

10 Anyone else?

11 (No response.)

12 CHAIRMAN WHITE: Seeing none, do you want to
13 review the findings?

14 MR. VAN KERKHOFF: Only simply that in this
15 case the finding would be that adequate measures
16 have been or will be taken to provide ingress and
17 egress. My understanding is that would be
18 reflective of the existing facility.

19 CHAIRMAN WHITE: Does that satisfy everybody?

20 (No response.)

21 CHAIRMAN WHITE: Point F, "That the special
22 use shall in all other respects conform to the
23 applicable regulations of the district in which it
24 is located except as such regulations may in each

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1 instance be modified by the County Board pursuant to
2 the recommendations of the Zoning Board of Appeals."

3 Discussion.

4 Mr. Bowen.

5 MEMBER BOWEN: Mr. Chairman, we did not have
6 a complete list of all the recommendations, but
7 based on what the petitioner has said over the
8 evenings we've been here, every time something has
9 come up that I can recall, petitioner had agreed
10 that he will conform.

11 So I'm making the assumption that I believe
12 the petitioner has agreed he will comply with all
13 the recommendations imposed by the Zoning Board of
14 Appeals regarding this special use petition.

15 I think this is pretty -- almost too much
16 because we don't -- the petitioner does not yet know
17 what all the recommendations of the Zoning Board are
18 as of yet. So I'm not sure this particular item can
19 be handled at this point.

20 CHAIRMAN WHITE: Anyone else?

21 Any other discussion?

22 MEMBER STOVER: I see it as, "The special
23 use shall in all other aspects conform to the
24 applicable regulations of the district in which it

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1 is located."

2 You know, it being an existing facility, of
3 course, you know, that facility when it was placed
4 there was following all regulations. We are going
5 to be making recommendations for a special use in
6 that area, and I believe that we've made all the
7 benchmarks for that. We'll be passing it on to the
8 County Board, I'm hoping with a positive
9 recommendation for the special use in there.

10 But "In each instance be modified by the
11 County Board pursuant to recommendations by the
12 Zoning Board," I'm assuming we're going to put extra
13 stipulations on them.

14 So I would agree with Hal on that that I feel
15 comfortable that they will follow all applicable
16 regulations.

17 CHAIRMAN WHITE: Any other discussion?

18 Ms. Cameron.

19 MEMBER CAMERON: Okay. I would say that the
20 special --

21 CHAIRMAN WHITE: Turn on your mic, please.

22 MEMBER CAMERON: The special use form has
23 conformed. This is a campus-like atmosphere, and
24 they are seeking a Level 4 detoxification quality of

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1 care, which can be served in like a hospital setting.
2 And that was one of the things that we said, that
3 this was a residential client base and that,
4 therefore, a special use is the correct zoning, and
5 detoxification quality of care would be served in
6 a -- be served in a hospital setting. Therefore,
7 the special use is correct.

8 CHAIRMAN WHITE: Anyone else? Any comments
9 or discussion?

10 MEMBER REGAN: You have to remember we're
11 dealing with drug addicts and alcoholics in
12 four different -- eight different buildings that
13 are -- have to be secured some way. I don't know if
14 they lock them up at night or how they would secure
15 those buildings every night. But that's what I'm
16 sure some of the people in the area are worried
17 about is that the clientele there is not just --
18 some of them probably are not very -- thinking very
19 straight.

20 CHAIRMAN WHITE: We're discussing Criteria F
21 at this time. So I'd like to ask you to keep your
22 remarks to that. You will have an opportunity to
23 make remarks after we've gone through these.

24 Anyone else have any comments, discussion on

1 Point F?

2 (No response.)

3 CHAIRMAN WHITE: I'd just like to add that I
4 do feel this is similar to a hospital. There's a
5 number of criteria that are similar to a hospital
6 and to this facility, whether it be through licensure,
7 the number of doctors and nurses that are on staff
8 at the hospital. The patients will be seen daily by
9 a doctor; that's part of the 2060 requirements. It
10 will be a treatment facility, and it's an inpatient
11 facility not outpatient, and these people will be
12 medically managed.

13 It's a medically-managed detoxification
14 treatment facility, which is -- many of them are
15 located in hospitals. So I do feel that it does
16 meet the similarity requirement of a hospital. It
17 doesn't have to be identical. It only has to be
18 similar.

19 Any other discussion?

20 MEMBER MOGA: Yes, Joe. Is it okay for me
21 to tell the story that I wanted to tell?

22 CHAIRMAN WHITE: Just let's finish this and
23 we'll get to that.

24 Mark.

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1 MR. VAN KERKHOFF: Okay. The findings for
2 this --

3 MEMBER STOVER: I actually had two to add.
4 Sorry.

5 CHAIRMAN WHITE: Go ahead.

6 MEMBER STOVER: I had two to add. I'm so
7 sorry about it.

8 CHAIRMAN WHITE: Go ahead.

9 MEMBER STOVER: In the similarity area.
10 Because both in the 2040 plan and in the zoning
11 ordinance we have definitions for hospital, and we
12 have definitions for the special use.

13 And I want to make the comment that this is
14 similar to a convalescent home. If you look in
15 Webster's dictionary under the word "convalescence,"
16 it says to make well and to keep well. This is the
17 perfect definition of what they're going to do
18 there; they're going to make well and keep well.

19 CHAIRMAN WHITE: Anything else?

20 Go ahead, Mark.

21 MR. VAN KERKHOFF: Okay. The finding would
22 be to the affirmative that the special use in all
23 other respects conforms to the applicable regulations
24 of the district, and those findings are based on the

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1 information in the petition and things the petitioner
2 has stipulated or agreed to during the course of the
3 hearings that it would be in conformance with the
4 regulations in the district. And then the finding
5 that the proposed special use is a use similar to
6 other special uses provided for in the ordinance,
7 specifically, hospitals and convalescent homes, that
8 this is a similar use to those.

9 CHAIRMAN WHITE: Any other comments at this
10 time on what Mark has recorded as findings of fact?

11 (No response.)

12 CHAIRMAN WHITE: Anybody want to add
13 anything to Point F?

14 (No response.)

15 CHAIRMAN WHITE: Okay. That brings us then
16 to our final discussion. Mr. Moga, you've asked for
17 the mic. I'll entertain that. Go ahead.

18 MEMBER MOGA: Chairman Joe and Board, I'm
19 telling you, you don't know what you're talking
20 about until you've seen it yourself.

21 Five years ago I was operated on at the
22 University of Illinois in Chicago, and after
23 three or four days I started wandering around the
24 hallways, and I got on the elevator and went up to

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1 the fourth floor, which is where the alcoholics and
2 the drug addicts are. I want to tell you it looked
3 like a man overboard drill.

4 We don't know what we're talking about here
5 tonight, honest to God. It galls me. In fact, as
6 far as I'm concerned -- and Chris is back there -- I
7 do not want to be re -- I do not want to be reelected
8 to this Board if we approve this. This is so
9 disgusting to me because I saw a zoo --

10 (Applause.)

11 CHAIRMAN WHITE: I'd ask for quiet from the
12 crowd. I can have you removed if you want to be
13 removed. This is not a public hearing at this
14 point. This is discussion.

15 Go ahead, Bob. Anything else you want
16 to add?

17 MEMBER MOGA: Well, I think I've said enough.
18 And I'll tell you what, it's disgusting to me that
19 we're trying to -- somebody is trying to put this
20 thing over, and it doesn't deserve to be put over.

21 These -- we're supposed to represent the
22 people, and I believe in government of the people,
23 by the people, and for the people.

24 AUDIENCE MEMBER: Thank you.

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1 CHAIRMAN WHITE: Anyone else have any
2 closing remarks at this time?

3 Ms. Stover.

4 MEMBER BOWEN: I just have one, if I may.

5 CHAIRMAN WHITE: Mr. Bowen.

6 MEMBER BOWEN: I'm sorry. Beg your pardon.

7 MEMBER STOVER: No, you go ahead.

8 CHAIRMAN WHITE: Go ahead, Mr. Bowen.

9 MEMBER BOWEN: I just want to explain my
10 position in this particular area.

11 I'm neither for or against this as an
12 alcohol and drug abuse area going into it. I'm very
13 much concerned with the fact that it's a business, a
14 for-profit business going into the F District area
15 and setting a precedent for that type of thing. The
16 precedent is that it's a for-profit business being
17 put in an F District area. And I think we're
18 opening into this area, and I still think it's wrong
19 to put a business in the middle of -- in the middle
20 of a residential area.

21 That's my comment and the reason why I will
22 be against this particular petition.

23 CHAIRMAN WHITE: Any other discussion?

24 MEMBER STOVER: I would like to make a few

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1 comments.

2 First of all, hospitals are allowed in the
3 R1 and F District as a special use. Hospitals are
4 typically for-profit.

5 And I will say this: The way in the future
6 of health care in this country, we're at the
7 doorstep of how things are going to change. I
8 remember when the elderly started to be taken care
9 of in homes, or they were elderly assisted homes or
10 graduated assistance and then on to the nursing
11 home. This is the way of health care.

12 These people have an illness. They're not
13 terrible. They don't look any different than you
14 and I. If you lined 100 people up in a gymnasium
15 who were addicted on this side and 100 people on
16 that side, you would find if you walked in there you
17 wouldn't be able to tell which side was which.

18 The fear that has been going around since
19 2012 here is the fear I see in the room today, and
20 if you would spend as much time embracing these
21 ideas, then there would be no fear. The perceived
22 fear is the detriment to your property most probably
23 if there's any.

24 These people are going to be here to help

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1 community members. There's people in your family;
2 there's people in your church and in your business
3 who are addicted.

4 These people have a for-profit organization,
5 yes. They're locked in at night. They have fob key
6 locks. They have all these people taking care of
7 them. And somehow you think that you're going to
8 look over there and see something terrible. You're
9 going to look over there and see something wonderful.

10 These people, someone in their family, or
11 themselves, or their wife, or their uncle, or their
12 brother, or their sister finally talk them into
13 treatment. And when they got there, they had a
14 whole staff of people who cared about them, and
15 maybe for some of them it was the first time in
16 their life that they ate well, that they had someone
17 who taught them something, and that they had someone
18 who listened to their problem, that they had a nurse
19 or a doctor take care of them.

20 And let me tell you what I think it's going
21 to look like when those people have to go home
22 because they didn't make it and they're relapsed.
23 It's not called recidivism; it's called relapsing.

24 So when they're sitting in their room, and

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1 they know on Day 17 or 18 they're not going to make
2 it, they're going to sit on their bed, and they're
3 going to grab their phone, and they're going to call
4 their nurse, and they're going to call their doctor.
5 And their doctor is going to come in their room
6 while they're sitting on their bed crying, and
7 they're going to say to them, "I'm not going to make
8 it. Get me the car. I've got to go home now; I'm
9 not going to make it."

10 They're part of our community; they're part
11 of your community. If we can't take care of all the
12 sick, then we can't take care of anybody. We're
13 only best when we take care of each other from the
14 top on down.

15 And I'd like to make one more comment. I
16 heard someone in the audience tell me about what
17 your median income level in Campton Hills is. You
18 people can afford to go there if you so chose to be
19 done with your addiction.

20 That's my final comment.

21 CHAIRMAN WHITE: Anyone else seeking the
22 microphone?

23 MEMBER BOWEN: Just one, Mr. Chairman. Just
24 going back, I want to make one comment I made

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1 before.

2 I was looking through this in a hurry, and
3 I'm sorry I can't find it; I'm not as familiar with
4 it. But I think going back to the comment that was
5 made, I believe a hospital is a special use going
6 back into it, and as such I would vote against a
7 hospital as a special use in a farm district
8 regardless.

9 So, therefore, it's not -- I'm not against
10 the hospital; I'm against any type of business going
11 into a residential area and concerned with a
12 for-profit business going into a farm area.

13 CHAIRMAN WHITE: All right. Anyone else
14 wish the microphone?

15 MEMBER REGAN: Mr. Chairman, I believe
16 there's no doubt that there's a need for a place
17 like this somewhere, but the people that live in my
18 area, and they're all -- a lot of them are good
19 friends and lots of them I don't really know, but
20 they do not want this sitting out in the middle of
21 the county.

22 Another thing, I believe that if you lined
23 up 100 people that were addicts and 100 people that
24 weren't, I believe you could tell the difference.

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1 CHAIRMAN WHITE: Anyone else have any
2 comments? Any discussion at this time?

3 (No response.)

4 CHAIRMAN WHITE: Anymore discussion?

5 (No response.)

6 CHAIRMAN WHITE: Seeing none, is the Board
7 ready to vote?

8 MEMBER REGAN: Ready.

9 CHAIRMAN WHITE: Secretary, please call
10 the roll.

11 MR. BERKHOUT: Stover.

12 MEMBER STOVER: Yes.

13 MR. BERKHOUT: Bowen.

14 MEMBER BOWEN: No.

15 MR. BERKHOUT: Cameron.

16 MEMBER CAMERON: Yes.

17 MR. BERKHOUT: Heinrich.

18 MEMBER HEINRICH: No.

19 MR. BERKHOUT: Moga.

20 MEMBER MOGA: No.

21 MR. BERKHOUT: Regan.

22 MEMBER REGAN: No.

23 MR. BERKHOUT: White.

24 CHAIRMAN WHITE: Yes.

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1 The motion fails.

2 (Applause.)

3 CHAIRMAN WHITE: You can go home now.

4 This Board is a recommending body to the
5 County Board. Anyone wishing to speak at the County
6 Board meeting is encouraged to take a copy of the
7 procedures to apply to speak before the County Board.
8 If your name is not on the County Board agenda, you
9 will not be allowed to address any concerns or
10 questions County Board members may have about this
11 petition.

12 Please pay attention as the secretary reads
13 the instructions.

14 MR. VAN KERKHOFF: The petition which is the
15 subject of this public hearing will be considered by
16 the Kane County development committee at its meeting
17 currently scheduled for 10:30 a.m., Tuesday,
18 February 16th in the County Board meeting room,
19 Building A, second floor of the Kane County
20 Government Center, 719 South Batavia Avenue, Geneva,
21 Illinois.

22 Persons in favor of or in opposition to this
23 petition who wish to speak before the development
24 committee must signify their intention to do so by

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1 signing a sheet provided for such purpose at the
2 meeting at which this petition is to be considered.

3 Consideration by the County Board of the
4 zoning petition which is subject to this public
5 hearing is currently set for 9:45, Tuesday,
6 March 8th, 2016, in the County Board meeting room,
7 Building A, second floor of the Kane County
8 Government Center, 719 South Batavia Avenue, Geneva,
9 Illinois.

10 Persons in favor of or in opposition to this
11 petition who wish to speak before the County Board
12 must file their intention to do so with the zoning
13 enforcement officer not later than Friday preceding
14 the County Board meeting at which the petition is
15 considered or sign up through the County Board
16 office to speak in advance.

17 CHAIRMAN WHITE: Any other business to come
18 before us this evening?

19 MEMBER BOWEN: Move we adjourn, Mr. Chairman.

20 CHAIRMAN WHITE: Moved by Mr. Bowen.

21 MEMBER STOVER: Second.

22 CHAIRMAN WHITE: Seconded by Ms. Stover.

23 All in favor say aye.

24 (Ayes heard.)

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CHAIRMAN WHITE: Opposed, same sign.
(No response.)
CHAIRMAN WHITE: Motion carries.
(Off the record at 8:25 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Paula M. Quetsch, Certified Shorthand Reporter No. 084-003733, CSR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 10th day of February, 2016.

My commission expires: October 16, 2017



Notary Public in and for the
State of Illinois

A			
able	activities	adjourn	1262:19
1278:4 1281:10	1266:19,22	1317:19	alcohol
1285:18 1311:17	actually	Administrative	1260:5 1264:2 1310:12
about	1284:20 1307:3	1267:19	alcoholic
1265:5,12 1266:3,6,8,9	adaptive	advance	1277:23
1266:10,11,12,14,17	1280:11	1317:16	alcoholics
1266:18,19,23,24	add	aerials	1305:11 1309:1
1267:2,5,6,6,9 1268:6	1262:11 1264:12	1258:23	alcoholism
1268:16,20,24	1270:16 1272:3	affirmative	1246:8 1253:10
1269:16 1271:14,18	1274:20 1275:7,13	1277:2 1307:22	1280:10
1274:22 1275:7,16	1276:9,11,18 1284:17	affixed	all
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1308:20 1309:4	addict	1301:14 1305:23	1281:18 1284:1,5
1312:14 1313:16	1277:23 1278:6,7	1308:22	1289:7 1290:14
1316:10	addicted	again	1291:2,18,18,20,22
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