

VILLAGE OF CAMPTON HILLS

**A RESOLUTION OPPOSING MAXXAM PARTNERS, LLC
PETITION TO KANE COUNTY FOR A SPECIAL USE PERMIT
FOR FAILURE TO MEET THE SPECIAL USE STANDARDS**

WHEREAS, in August of 2015, Maxxam Partners, LLC ("*Maxxam*") filed Petition No. 4364 ("*Maxxam Petition*") requesting that the County approve a special use permit to allow it to use and operate a private-pay alcoholism and substance abuse treatment facility ("*Facility*") on property located at 41W400 Silver Glen Road in unincorporated Kane County and zoned in the F Farming District ("*Property*"); and

WHEREAS, the County has scheduled Maxxam's petition for a zoning board of appeals ("*ZBA*") hearing, which commenced on December 14, 2015, and has been continued from time-to-time; and

WHEREAS, the Village of Campton Hills Village Board desires to adopt and present to the County, and have entered into the record of the ZBA hearing, a formal resolution of the Village Board to oppose the Maxxam Petition; and

WHEREAS, it is the Village's position that the proposed Facility simply does not meet the standards for granting a special use permit as set forth in Section 25-4-8-2 of the County's Zoning Ordinance, as set forth in this Resolution, and Maxxam's Petition must be denied by the County.

THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CAMPTON HILLS, KANE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. The recitals listed above are incorporated into this Resolution as if fully set forth in this Section 1.

SECTION 2. The Village Board opposes the Maxxam Petition because the Petition for the proposed Facility does not meet the special use permit standards set forth in Section 25-4-8-2 of the County Zoning Ordinance. Pursuant to that Section, the ZBA "shall not recommend a special use" unless it finds that the proposed special use meets all of the enumerated standards set forth in that Section. It is the Village Board's position that Maxxam's proposed special use to operate the Facility on the Property does not meet each and every one of these standards, as discussed below, and therefore must be recommended for denial by the ZBA and must be denied by the County Board:

- A. That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;*

Maxxam's proposed Facility would be located in unincorporated Kane County, just north of the boundary of the Village of Campton Hills and immediately adjacent to residentially used property located in Campton Hills. The Facility is also adjacent to publicly owned recreational land owned by the Forest Preserve District.

One of the most significant concerns of the Village of Campton Hills is the detrimental impact the Facility and proposed use of the Property will have on the Village's Police Department, and as a result, will negatively affect the ability of the Police Department to serve Village's residents and property owners.

The Village of Campton Hills has no property tax, and will not benefit in any way from the \$336,878 in estimated tax revenues that will result from the Maxxam's Facility, as asserted in Maxxam's Petition. Nevertheless, the Village (as the closest responder) will likely be the most impacted by police calls generated by the Facility, but without receiving any tax or other revenue to offset the additional call volume that is certain to result. Nowhere in Maxxam's Petition does it address the impact of the proposed use on the public safety resources of the County, the Fire District, or the Village of Campton Hills.

Although the Facility will not be located within the Village's boundaries, as the closest jurisdiction to the Property, the Village will certainly be called on to respond to police and other emergency calls to the Property. That is confirmed by the Village's review of call data from other police departments with similar facilities within their jurisdiction.

For example, the Sunrise Detox Alpharetta Center in Alpharetta Georgia (a high-end facility) generated 54 public safety-related (police and fire) calls from December 12, 2014 to November 25, 2015. Alpharetta has a population of over 57,000, with significantly more resources than the Village of Campton Hills, which employs a mostly part-time police force. The Alpharetta facility also has only 30 beds, significantly smaller than Maxxam's proposed Facility. Moreover, the nearest hospital to Sunrise Detox is only 1.4 miles away.

The Village Recovery facility in Umatilla Florida generated 205 calls to the Umatilla Police Department from November 9, 2014 to November 9, 2015. The Chestnut Health Systems residential facility in Bloomington Illinois generated 57 calls for service to the Bloomington Police Department in this same time period.

In 2012, when the Village considered an application for a similar facility (Kiva), similar information was gathered about other facilities' call volume and responses. The Campton Hills Police Chief reviewed data from 14 facilities across the country and in a written report concluded that the Kiva facility would impact calls for service to the Campton Hills Police Department. That report is attached to this Resolution as Exhibit A.

In a recent resolution submitted to the ZBA, the Campton Township Board acknowledged that emergency response time to the Facility will be significantly longer than any of the comparators provided by Maxxam's consultants, none of which was addressed by Maxxam in its application.

There can be no dispute that the Maxxam Facility will impact the calls for service to the Kane County Sheriff's Office, as well as the Village of Campton Hills Police Department, as the closest responder. The Village simply does not have the resources available to increase the number of officers, shifts, or other resources in the Department. As a result, the Maxxam Facility will have an unreasonable detrimental impact to the public health, safety, comfort and general welfare of Campton Hills' residents and property owners by requiring the Police Department to shift its very limited resources from other duties to respond to calls to the Maxxam Facility.

The unreasonable detrimental impact on the Campton Hills Police Department and Village residents has not been acknowledged in any manner by Maxxam in its application, nor by Kane County. It is clear that Maxxam cannot and has not met this special use standard.

B. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

Maxxam asserts in its Petition that the Facility will not diminish or impair property values within the surrounding area. However, the market impact studies performed by Maxxam's consultants are faulty. First, the MaRous Study compares the proposed Facility use to the previous use of the Property, neither of which is an allowed use in the F-Farming District. A more appropriate analysis would compare the proposed Facility use to one of the enumerated uses in the F-Farming District. Second, the MaRous Study does not take into account the various options for redevelopment of the Property, simply concluding that demand for the Property is minimal as it is currently developed with the former school buildings.

The Poletti Study is also faulty because the comparator facilities and surrounding area are not similar to the proposed Facility and surrounding area, nor are the sizes of the comparator facilities comparable to Maxxam's proposed Facility. The Poletti Study also did not take into account the proximity of the closest residentially used property, instead focusing its analysis on the nearby residential subdivision.

Maxxam's proposed Facility does not meet this special use standard, as Maxxam has not sufficiently established that its Facility will not be injurious to neighboring properties or property values.

C. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

Maxxam asserts in its application that the Facility will be surrounded by property owned by the Forest Preserve District – a clear misstatement that ignores the fact that the Facility is proposed to be located on property immediately adjacent residentially used property owned by Mr. Andrzejewski and the residential subdivision on Silver Glen. The analysis in Maxxam's application on this particular standard (that the Facility will not affect development or improvement of surrounding property) must, therefore, be rejected.

Certainly, if the Facility were completely surrounded by Forest Preserve District owned-land, Maxxam's conclusion may be accepted. However, the Facility will be located adjacent to property currently used for residential purposes. This Facility will certainly affect Mr. Andrzejewski's future development of his property, and this special use standard has not been met.

D. That adequate utility, access roads, drainage and/or other necessary facilities have been or are being provided;

Maxxam proposes to have only one access point into the Facility, that being Silver Glen Road. Given the nature of the use, having one access road could create an unsafe condition in the event of an emergency.

By letter dated December 1, 2005, the County's own water resources engineer acknowledges that the existing detention facilities are not being adequately maintained, and that a substantial amount of information has not yet been provided or confirmed, including verification of the wastewater and water system capacity, monitoring well results, and impact of the facility's potential pharmaceutical concentrations in the wastewater system. Similarly, the Kane County Health Department notes similar deficiencies in Maxxam's application.

Maxxam has not established that adequate utilities and other facilities are provided in order to meet this special use standard

E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads;

As noted above, the Facility is proposed to have only one access road. Certainly, the proposed Facility will increase the level of traffic on Silver Glen Road, the only ingress and egress from the Property.

F. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the county board pursuant to the recommendations of the zoning board of appeals.

The Facility is proposed to be located on property zoned for agricultural uses, the F-Farming District. The predominant uses permitted in the F District are residential, agricultural, or recreational in nature, including single family residences, farming, hunting, fishing, and game preserves, picnic grounds, produce stands, poultry farms, stables, truck gardening, nurseries, greenhouses, forest preserves, country clubs, and similar uses. The Facility is not listed as either a permitted or special use in the F-Farming District. It is not similar to any of the listed uses in that zoning district. As a result, the Facility does not conform to the F-Farming District regulations without some "modification."

It is the Village Board's position, as described in Resolution No. 15-18 that the County's procedure for granting such a "modification" (the "similar use" determination) was not properly followed nor was it an appropriate process. Instead, Maxxam should have been

required to apply for a text amendment or a map amendment to conform to the requirements of the Zoning Ordinance. As a result, Maxxam cannot and has not established that it meets this standard.

It is Maxxam's burden to establish that its Petition for a special use permit for the Facility meets each and every one of the special use standards set forth in section 25-4-8-2 of the Kane County Zoning Ordinance. Because Maxxam has not and cannot establish that its Petition meets all of these standards, the Kane County ZBA must recommend that the County Board deny the requested special use, and the County Board should accept the ZBA's recommendation and deny Maxxam's application for a special use permit for the Facility.


SECTION 3. All ordinances, resolutions, and other documents in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. This Resolution shall be in full force and effect from after its passage and approval in the manner provided by law.

Passed this 5 day of January, 2016 by roll call vote:

	AYES	NAYES	ABSENT	ABSTAIN
Trustee Laura Andersen	<u>X</u>	_____	_____	_____
Trustee Susan George	<u>X</u>	_____	_____	_____
Trustee James McKelvie	<u>X</u>	_____	_____	_____
Trustee Mike Millette	_____	_____	<u>X</u>	_____
Trustee Michael O'Dwyer	_____	_____	<u>X</u>	_____
Trustee Michael Tyrrell	<u>X</u>	_____	_____	_____
President Harry Blecker	_____	_____	_____	_____

APPROVED THIS 5 DAY OF January, 2016



 Harry Blecker, Village President

(SEAL)

ATTEST:



 Nicholas Girka, Village Clerk

