



**Zoning Request Report**  
**County of Kane**

Kane County Development  
 719 Batavia Ave  
 Geneva, IL 60134  
 Phone: (630) 232-3492  
 Fax: (630) 232-3411

TO: Kane County Zoning Board Of Appeals  
 Kane County Development Committee  
 County Board Member District  
 Janice Hill  
 Petitioner

Carl Scheodel

Mark VanKerkhoff

Monica Meyers

**PETITION NUMBER** 2015-4364

**Date** 12/11/2015

**GENERAL INFORMATION**

**APPLICANT:** MAXXAM PARTNERS, LLC  
 ANDREW KOLB/KEITH BROWN ESO.  
 3 SECOND STREET, SUITE 300  
 ST. CHARLES 60174

**PURPOSE:** SPECIAL USE REQUEST FOR A PRIVATE-PAY ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT FACILITY

**EXISTING ZONING:** F - FARMING;

**REQUESTED ACTION:** SPECIAL USE;

**SIZE:** 120.00 ACRES

**LOCATION:** 41W400 SILVER GLEN ROAD, SECTION 3 - CAMPTON TOWNSHIP, SECTION 34 - PLATO TOWNSHIP, (08-03-100-009) (05-34-300-032) (05-34-400-025)

SURROUNDING	ZONING	USE
NORTH	F - FARMING; VILLAGE OF CAMPTON HILLS/CITY OF ELGIN	RESIDENTIAL; FOREST PRESERVE
SOUTH	CITY OF ELGIN	FOREST PRESERVE
EAST	CITY OF ELGIN/KANE COUNTY	FOREST PRESERVE
WEST	CITY OF ELGIN	FOREST PRESERVE

**EXISTING LAND USE:** SCHOOL CAMPUS

**LAND USE PLAN DESIGNATION:** INSTITUTIONAL / PRIVATE OPEN SPACE

**ZONING HISTORY:** SPECIAL USE GRANTED 5/9/89 FOR A PRIVATE BOARDING SCHOOL FOR BOYS

**APPLICABLE LAND USE REGULATION:** ARTICLE IX, SECTION 9.5-2 (C) OF THE KANE COUNTY ZONING ORDINANCE

December 11, 2015

# Zoning Request Report

## Preliminary Staff Report to the Zoning Board of Appeals

Glenwood Academy/Maxxam Partners, LLC

### Special Use for a private-pay alcoholism and substance abuse treatment facility

**Purpose:** This preliminary staff report to the Zoning Board of Appeals (ZBA) prior to the public hearing for the petition contains the following:

- Background information about the subject site
- Summary of the proposed use
- Results of preliminary due diligence (prior to public testimony)
- Preliminary staff comments from other Kane County departments including Development, Division of Transportation, Environmental & Water Resources, Health Department, Sheriff, and the Forest Preserve District of Kane County.
- Preliminary findings of facts for consideration by the ZBA after the conclusion of the public hearing.

This report is subject to revision following the conclusion of the public hearings based on testimonies, submittals and comments received.

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**Background Information:** A Special Use for a private boarding school was granted for this property in 1989. The existing multi-building campus was subsequently constructed consistent with the special use zoning. Existing facilities include buildings for administrative, classroom, recreational, dining and residential uses. Existing infrastructure includes a well, a water tower, wastewater treatment facilities, access road, parking areas and storm water detention. The school was closed in 2012 and is currently vacant. Much of the surrounding property is under the ownership of the Forest Preserve District of Kane County.

**Petitioner's Proposed Use:** The applicant proposes to use the existing buildings and infrastructure on the Subject Property for a 120-bed exclusively private-pay alcoholism and substance abuse treatment facility. The facility is proposed to offer patients a full continuum of care while they reside at Applicant's facility. The average duration of a patient's stay is proposed to be between 30 – 90 days. The duration of a patient's stay is proposed to be determined by the patient's addiction and treatment plan. The petitioner proposes to treat all addictions with the exceptions of methamphetamine and sexual addictions. The petitioner also proposes to treat patients with eating disorders. The petitioner states that they will not accept Medicare or Medicaid. "Private-pay" patients are proposed to be pre-screened to ensure that they meet petitioner's patient standards, medically and financially.

The Petitioner has petitioned the County Board for a special use under the Special Uses permitted in the F District – Farming, specifically “dd. Other uses similar to those permitted herein as special uses”. The Zoning Enforcing Officer reviewed and determined that the petition was complete and reasonable and scheduled it for a public hearing per Section 4.8 Special Uses. The Kane County Zoning Board of Appeals may determine its own recommendation in regard to if the proposed use is similar to other uses after hearing testimony and reviewing the submittals.

The petition and supporting opinions advocate that the proposed special use for a private-pay alcoholism and substance abuse treatment facility is similar to the following special uses listed for the F District and the R1 District:

- Monasteries, nunneries, religious retreats, nursing and convalescent homes, assisted living facilities, boarding schools and orphanages.
- Hospitals, general, for human beings. This may include power plants, residence for nurses and similar facilities.

The Kane County Zoning Ordinance, Article III. Rules and Definitions include:

**CONVALESCENT OR NURSING HOME:** A private home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders.

The petitioner also requests “reasonable accommodation” in that the proposed alcoholism and substance abuse treatment facility will provide in-patient residential treatment to persons with disabilities who are protected under the terms of the Federal Fair Housing Act.

The Zoning Enforcing Officer reviewed the petition and supporting opinions as well as several opposing opinions submitted by an adjacent property owner and the Village of Campton Hills with assistance from the Civil Division of the Kane County State’s Attorney Office. The proposed use of a private-pay alcoholism and substance abuse treatment facility is similar enough to the other uses listed above to be considered by the Zoning Board of Appeals and the Kane County Board, subject to testimony and evidence which may be forthcoming through the public hearing and public meeting process defined in the Kane County Zoning Ordinance and by the procedures of the Kane County Board.

In addition to the opinions included in the petition, please note that the proposed special use of private-pay alcoholism and substance abuse treatment facility may additionally be considered similar to “Monasteries, nunneries, religious retreats, nursing and convalescent homes, assisted living facilities, boarding schools and orphanages”. It may be considered similar in that one of the common aspects of these institutional uses is that they all include residential facilities of various types to provide housing for staff, patients, students and/or others in the care of and/or under the umbrella of the institution. The inclusion of these various type of institutional uses on the same list suggests that it is the potential greater density of such institutional uses along with residential living units proposed to be located in the F District, along with supporting infrastructure, which requires the special use approval from the Kane County Board before such facilities may be approved as a land use and subsequently constructed. Such infrastructure includes water supply, wastewater disposal, parking and storm water management facilities.

**Due Diligence:** The Kane County Development Department has undertaken basic due diligence into the standing and operation of the facilities listed by the petitioner in the originally submitted petition as evidence of experience with similar facilities. To date, no major issues have been discovered. On November 5, 2015, the petitioner amended the petition, specifically pages 18 and 19 of the Rider section, to remove Mr. Elliott Messing from the applicant team, and listing only Mr. Steven Marco as the managing partner. The facilities listed under Mr. Messing were also removed from the petition. While Mr. Marco is listed with experience as a developer and having involvement in luxury developments, he is not credited with any developments or facilities such as the one proposed in the petition. While other such facilities exist across the country, none of the petitioner's principals or listed members of the board of directors appear to have any direct experience with such facilities.

If requested, staff will follow up with any evidence presented at the public hearing or submitted in conjunction with this petition.

**Land Use / Kane County 2040 Plan:** The Kane County 2040 Plan designates this area as Institutional/Private Open Space. This designation allows for a variety of private and institutional land holdings and uses. In this case, the facilities have already been constructed and new buildings or expansion of the existing infrastructure is not proposed. There is no proposed reduction of the existing open space area. The proposed private institutional use is consistent with the Institutional/Private Open Space land use category in the Kane County 2040 Plan.

**Division of Transportation:** The Kane County Division of Transportation reviewed the amended June 22, 2015 traffic study, and compared it with the previous study. Everything appears to be in line with what was previously approved and has no additional comments at this time.

**Environmental & Water Resources:** See attached memo dated December 1, 2015. Memo includes comments regarding the current condition and maintenance of the storm water facilities as well as comments and recommendations regarding the existing wastewater treatment facility.

**Kane County Health Department:** See attached memo dated December 7, 2015. Memo requests copies of IEPA permits for the water supply and waste water systems and outlines the requirements for food service permits.

**Kane County Sheriff:** The Sheriff views this facility being used in a similar fashion as before; focusing on helping remove a client from their previous environment and assisting in their rehabilitation to become a better person. He does not foresee a rise in crime or call load at the facility that the Sheriff's Office would not be able to handle.

**Forest Preserve District of Kane County:** The Forest Preserve District of Kane County owns land adjacent to the subject site and has received prior and official notice regarding the proposed petition. The District does not believe the proposed use will have a negative impact on the adjacent forest preserve and has no comments regarding the petition.

**Preliminary Findings of Fact:**

The below recommended findings of fact are preliminary and subject to revision and completion by the Zoning Board of Appeals after the conclusion of the public hearing and submittals in response to the petition:

1. **The proposed Special Use will put the existing vacant facility into a productive use.**
2. **The site plan included in the petition does not propose expansion or construction of additional buildings or infrastructure. Any future proposed construction of additional buildings and/or infrastructure, including additional access roads or access locations, would not be permitted unless the special use site plan is amended per Section 4.8 Special Uses.**
3. **The petitioner has included assertions and documentation responsive to the six findings as required by Section 4.8 Special Uses. The ZBA will need to affirm these assertions after the completion of the public hearing in order to forward a positive recommendation to the Kane 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;
  - 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.
  - 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;
  - D. That adequate utility, access roads, drainage and/or other necessary facilities have been or are being provided;
  - 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;
  - 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.

Attachments: Memo from Environmental & Water Resources  
Memo from Kane County Health Department  
Location Map  
Township Maps

# COUNTY OF KANE

## DIVISION OF ENVIRONMENTAL & WATER RESOURCES

Kenneth N. Anderson, Jr, Director




County Government Center  
719 Batavia Avenue – Building A  
Geneva, IL 60134  
Office: (630) 232-3497  
Fax: (630) 208-3837  
website: <http://www.countyofkane.org>

## MEMORANDUM

TO: Keith Berkhout, Kane County Building & Zoning Division

CC: Mark VanKerkhoff, Director, Kane County Development and Community Services Department  
Ken Anderson, Director, Kane County Environmental & Water Resources Division

FROM: S.M. "Monica" Hawk, P.E., CFM, Water Resources Engineer and Jodie Wollnik, P.E., CFM, Assistant Director – Water Resources 

DATE: December 1, 2015

SUBJECT: Zoning Petition #4364 - 41W400 Silver Glen Road (Glenwood Academy),  
Campton Township

This memo is in response to a request from the Kane County Development Department staff to evaluate the above referenced zoning petition, specifically as it relates to Kane County Code Special Uses Chapter 25-4-8-2. The following memo summarizes the findings of fact based on a due diligence review of the subject petition by the Kane County Environmental & Water Resources Division. A site visit was conducted by staff on October 21, 2015.

### Stormwater Management Facilities – comments by S.M. "Monica" Hawk, P.E., CFM

In general, staff found the stormwater management facilities to be in good functional condition. However, it is noted some areas of the property require maintenance in order to restore the facilities to their originally intended function as designed and permitted.

The access drive crosses over a tributary to Otter Creek via double culverts. Erosion has occurred around the culverts and has started eroding the road embankment of the access drive. The area is also overgrown with vegetation.

There are two stormwater detention facilities. The southern detention basin is overgrown with undesirable vegetation such as common reed (*Phragmites australis*). The outflow pipe is plugged with sediment at the downstream outfall and is not readily accessible due to overgrown vegetation along the berm of the detention basin. The lake within the center of the complex also serves as a stormwater detention facility. Some undesirable vegetation such as cattails (*Typha* species) has taken over the shoreline. Also, the lake shoreline has experienced erosion. Some of the storm sewer inflow pipes were surrounded by overgrown vegetation.

The loop drive crosses several culverts that accept runoff from off-site areas. Erosion has occurred around the culverts and has started eroding the road embankment of the loop drive.

It is recommended that an ecological restoration specialist be consulted to develop a long-term maintenance and monitoring plan for the vegetation management. It is also recommended that a civil engineer be consulted for stabilization of eroded areas. It is further recommended that implementation be initiated.

Wastewater Treatment Facility – comments by Jodie Wollnik, P.E., CFM

The maximum number of living residents and staff and number of daytime staff and patients should be provided for verification of the wastewater and water system capacity.

The wastewater treatment facility design included a 20 year planning period for sludge storage. The facility was constructed in 1993 and operated until approximately 2013. The volume of sludge storage remaining should be documented.

A copy of the current Illinois Environmental Protection Agency (IEPA) permit shall be provided to the County.

Five Monitoring wells were constructed with the initial plan with quarterly monitoring. Copies of monitoring results since the plant began operation shall be provided to the County.

A map of the current and proposed irrigation locations and monitoring wells shall be provided.

The June 17, 2015, memo from Murer Consultants indicates that the proposed land use is similar to a hospital. Please provide information regarding the potential pharmaceutical concentrations in the wastewater stream that may be expected in excess of standard residential wastewater concentrations and information regarding those concentrations relative to a lagoon/land application system. We suggest the petitioner contact the IEPA to determine if there are any additional operational and maintenance requirements to operate the wastewater treatment facility and its proposed land use.

Potable Water System – comments by Jodie Wollnik, P.E., CFM

A copy of the current IEPA permit shall be provided to the County.



**Barbara Jeffers, MPH**  
*Executive Director*

## Memorandum

**Public Health Center**  
1240 N. Highland Avenue  
Aurora, Illinois 60506  
630.208.3801

**TO:** Keith Berkhout, Kane County Building & Zoning Division  
**CC:** Mark VanKerkhoff, Director, Kane County Development and  
Community Services Department

**Public Health Center**  
1750 Grandstand Place  
Elgin, Illinois 60123  
630.208.3801

Ken Anderson, Director, Kane County Environmental & Water  
Resources Division  
**FROM:** Julie Wiegel, LEHP, Assistant Director of Environmental Health,  
Kane County Health Department. *JW*

**DATE:** December 7, 2015

**RE:** Zoning Petition #4364 – 41W400 Silver Glen Road

The Kane County Health Department has reviewed the above petition and has the following comments.

### **Potable Water System**

Provide a copy of the current Illinois Environmental Protection Agency (IEPA) permit to the County. In addition, please provide a copy of the most recent IEPA inspection report for the potable water system to the Health Department.

### **Wastewater System**

Provide a copy of the current IEPA permit to the Health Department.

### **Food Service**

A Food Service Establishment permit is required for any food service establishment where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided.

An onsite consultation with Kane County Health Department staff will be required to evaluate the current facilities and identify any necessary changes or



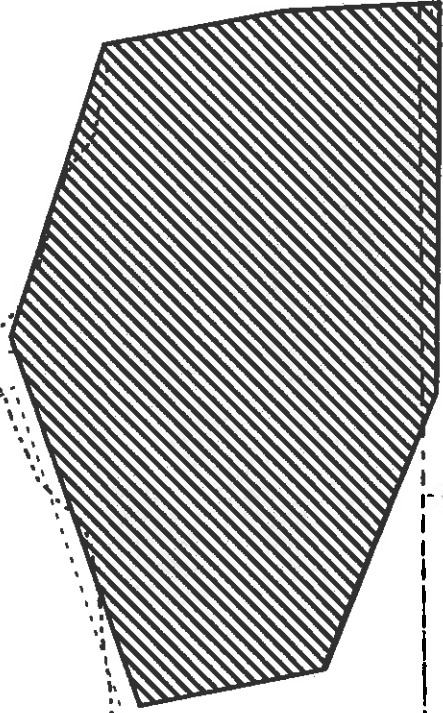
updates needed prior to permitting. A plan review is required for any food service area renovations.

DITTMAN RD.

SPIN OFF  
Korin Partners

MCDONALD RD.

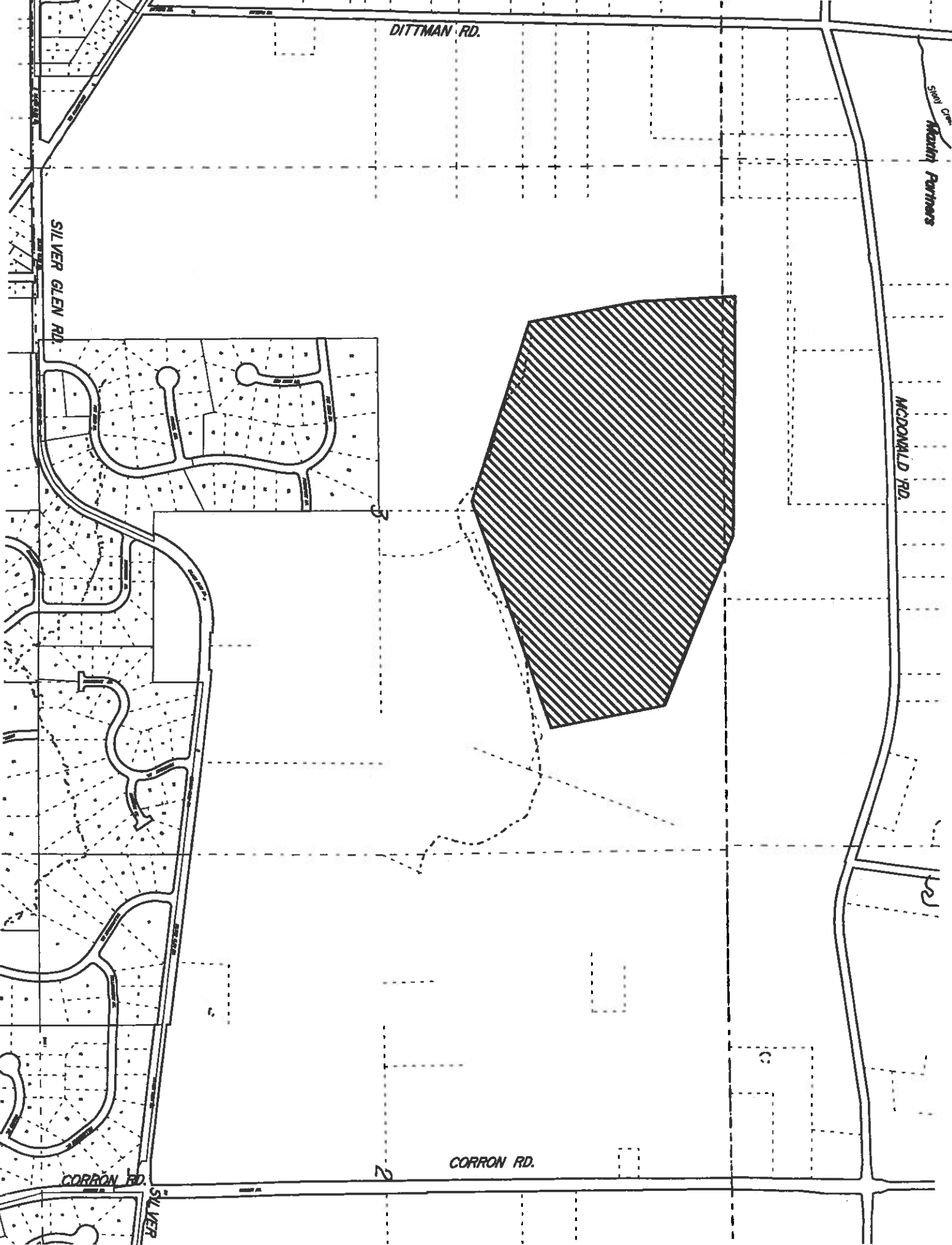
SILVER GLEN RD.



CORRON RD.

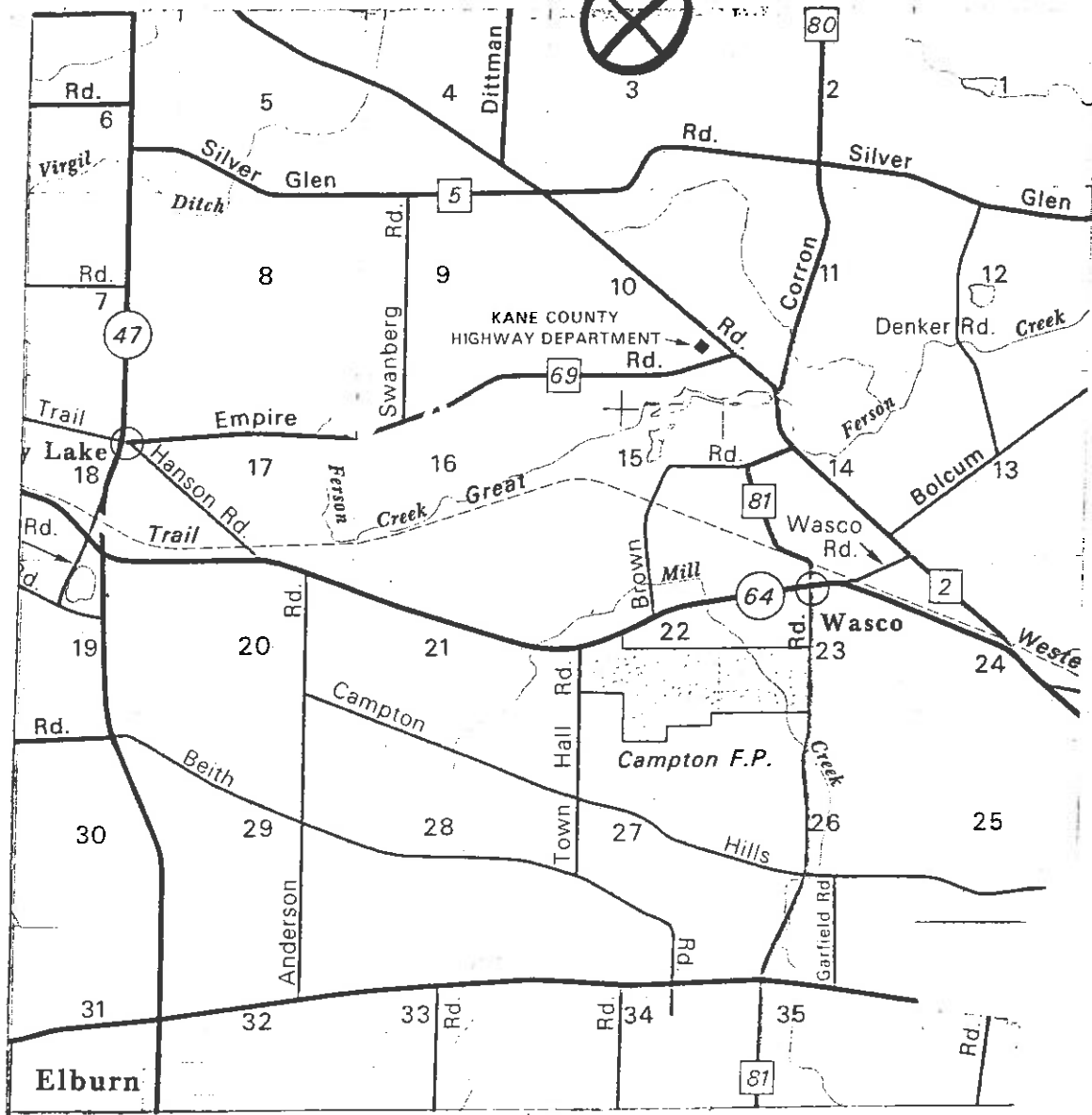
CORRON RD.

SILVER



CAMPTON twp.  
T.40N - R.7E

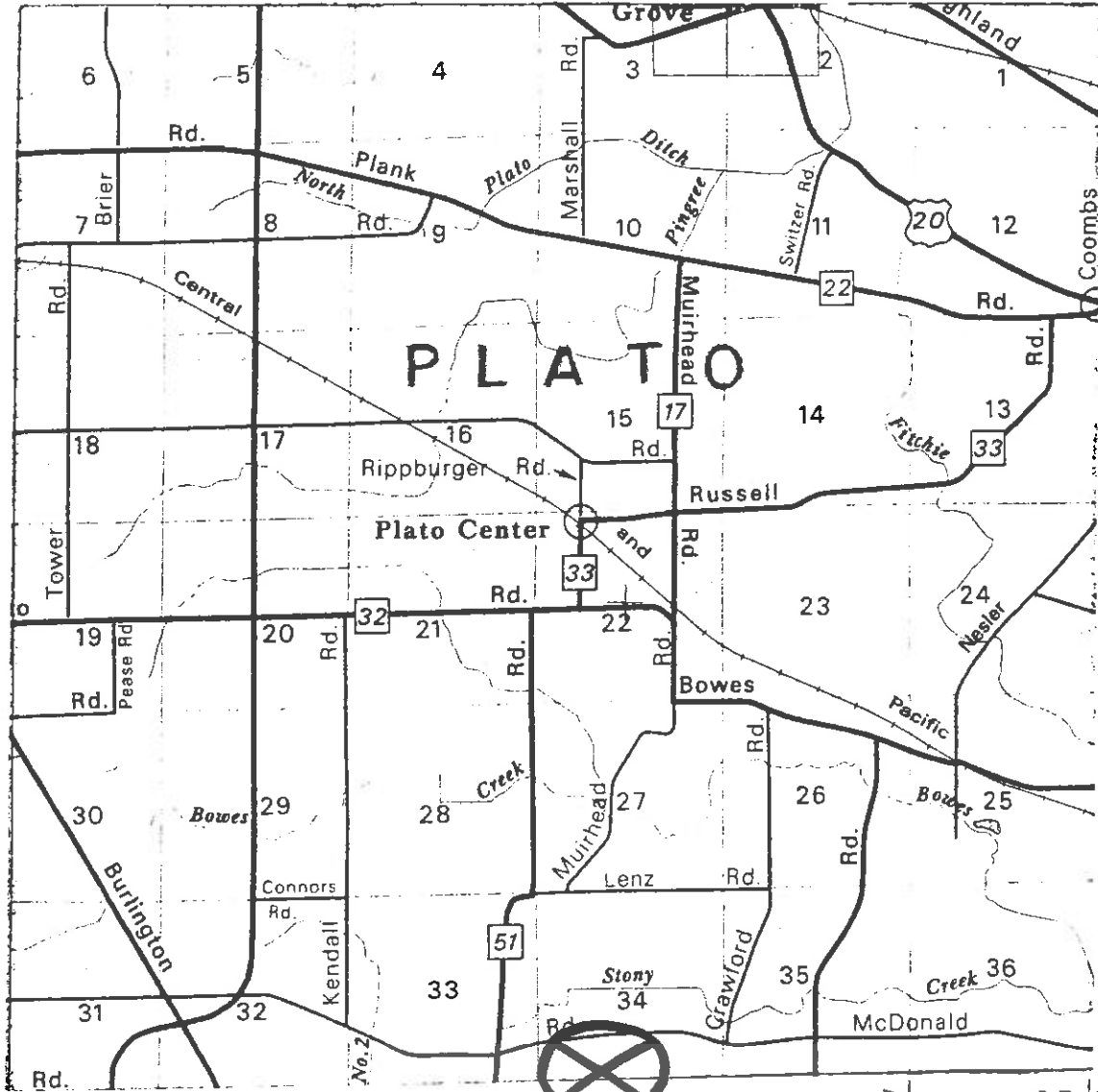
map 8



1" = MILE

PLATO twp.  
T. 41N. - R. 7E

map 5



1" = MILE