

Maxxam Partners, LLC

Reponses to Follow-Up Questions from Kane County Staff Meeting of March 2, 2015

1. Please indicate if Sexual Addictions will be treated either primarily or on a secondary basis accessory to other addictions.

Sexual Addictions will not be treated either primarily or on a secondary basis related to other addictions. We will conduct a pre-admission screening on all prospective patients prior to acceptance for treatment to ensure all participants meet the admission criteria. A secondary screening will occur at the time of admittance to ensure the patient meets all program requirements.

2. Please confirm whether Methamphetamine addictions will be excluded from the treatment facility and if any other addictions will be excluded.

Patients with Methamphetamine addictions will not be accepted for treatment. Aside from Sexual Addictions, no other addictions are excluded.

3. Please provide some detail regarding the exact licensure you will obtain for the facility. What specific license(s) will you be procuring and what is the timeline to obtain them?

We will obtain a license for an Alcoholism and Substance Treatment Facility from the Division of Alcoholism and Substance Abuse a division of the Illinois Department of Human Services. This will allow us to offer a full continuum of care for the patients residing at the Treatment Facility. It takes approximately 30 days to issue the license after application submission. The application requires documentation of compliance with all applicable zoning and local building ordinances. We will also obtain an occupational license and all other necessary licenses from Kane County; including a license from the Department of Health to operate the kitchen.

4. Please indicate if children will be treated at the facility for eating disorders or otherwise.

No adolescents or children will be treated at the facility.

5. Please indicate if any treatment will be provided on an outpatient basis.

No outpatient treatment will be offered or provided at the facility.

6. Please indicate any agreements or arrangements with local area hospitals in the event patients need to leave the facility in need of immediate hospitalization.

A transfer agreement with a local hospital will be obtained, as it is a requirement of the license application. We will establish the required relationship so that patients needing immediate hospitalization will be provided for.



7. Please indicate if you wish zoning to allow for additional construction activities in the future without the necessity to re-apply for any further zoning or development approvals in the future.

No.

8. Please indicate each specific use for each building on your site, on a building-by-building basis.

Per the attached aerial overlay, there are eight patient lodges. Each lodge provides a communal area that will be used for group therapy. Lodge #1 will be used for Detoxification. Lodges #2-#8 will house patients and will be separated by gender and addictions. The Dining/Multipurpose Building will be used as a central dining room as well as a multi-purpose room for movies, speakers, and other group activities. The Therapy and Activity Building contains twelve rooms that will be used for group and individual therapy sessions and educational, cultural and recreational activities. The Gymnasium includes a full size basketball court and running track. A state of the art weight room will be installed and the existing locker rooms will be converted into an exercise room. We will operate a 24-hour a day security system; it will include security guard(s), monitoring systems, video cameras, and other alert systems.

9. Please indicate the timing on your contractual right to purchase.

We have approximately 4 1/2 months remaining in our due diligence period. Once we obtain the special use permit, we will close on the property. We will then obtain the necessary licenses from the Illinois Department of Human Services and the Health Department.

10. Please provide additional background information on Elliot Messing.

Elliott Messing has operational and managerial experience; he was an owner of Recovery Village in Umatilla, Florida. He was involved in assembling the team of experienced addiction professionals that ran the facility's day-to-day operations. He established the necessary procedures that allowed him to oversee the facility's operations.

11. Please address security measures that will be taken around the perimeter of the property to handle fans and paparazzi in the event a celebrity is a guest at your facility.

We will operate a 24-hour a day security system; it will include security guard(s), monitoring systems, video cameras, and other alert systems. We do not anticipate any paparazzi issues.

12. Please indicate whether you would be willing to construct a fence around the perimeter of the property.

We are willing to enter into discussions with the County regarding the construction of a fence.

13. Please provide the range of the number of beds with a maximum figure.

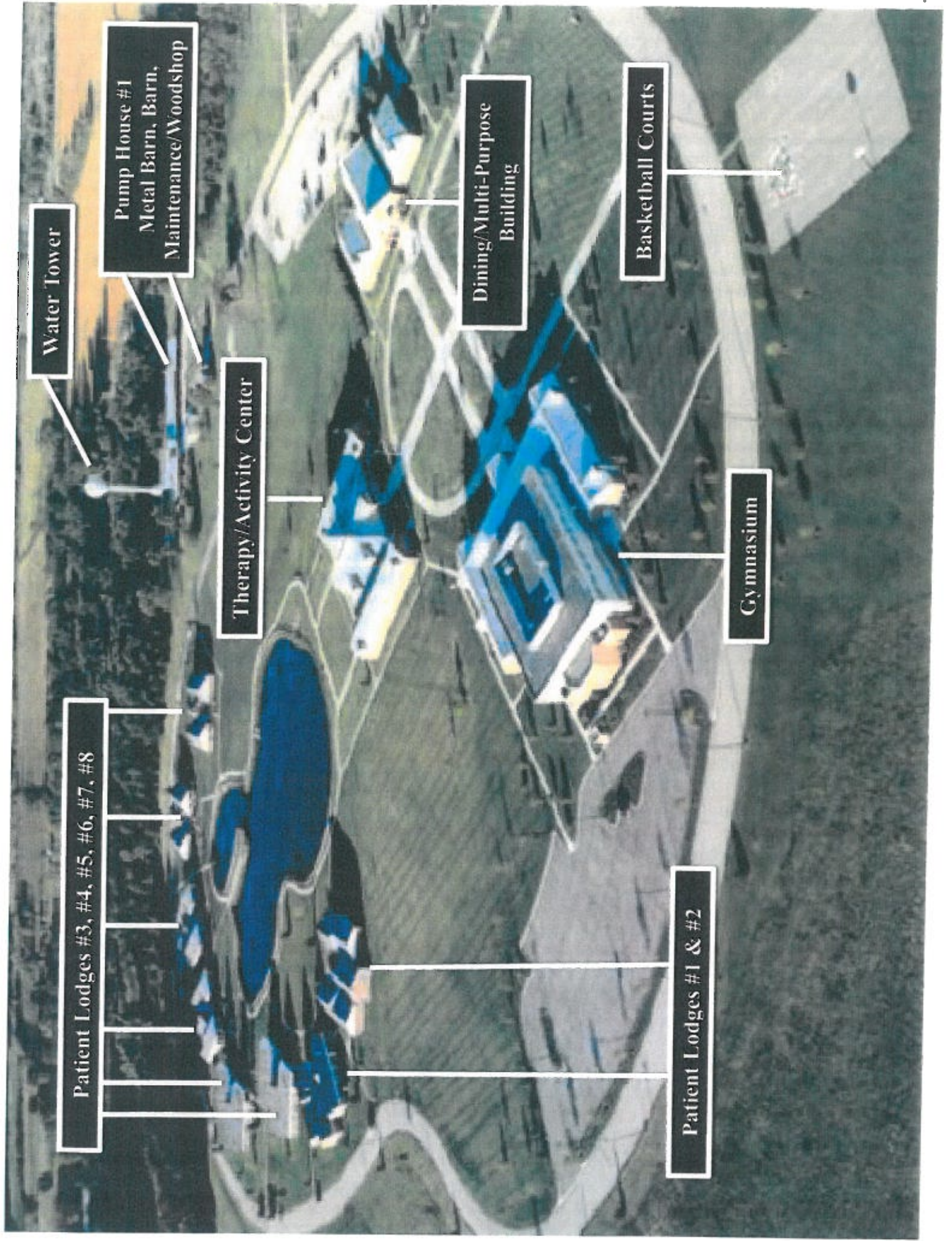
We would like to be able to have up to 150 beds.

14. Please share any formal information in your possession that can shed light on the impact to the County Sheriff and local police in terms of number of incidents, if any.

We anticipate very few incidents if any. Per the October 22, 2012, study prepared by Chief Daniel Hoffman, Campton Hills Police Department, stand-alone treatment facilities typically generate only 5 to 10 calls for service to their local law enforcement agency per year. Furthermore, per the December 4, 2012 letter submitted by John Curtiss, President/CEO of The Retreat, such treatment facility will have a limited impact on the surrounding community.

Most incidents are the result of a patient wanting to be discharged from a facility and the facility not allowing them to be discharged. In our case, any patient requesting discharge will be discharged and provided with complimentary transportation to a pre-designated location outside Kane County; therefore, we do not anticipate issues. We will have protocols and security in place to mitigate this situation.

We will have conflict resolution processes in place to address issues long before they occur and will have strict policies prohibiting patients from leaving the facility unoccupied by a staff member. We will have a detailed plan for emergencies, which must meet all state requirements, and provide our staff with intensive training.



Water Tower

Pump House #1
Metal Barn, Barn,
Maintenance/Woodshop

Dining/Multi-Purpose
Building

Basketball Courts

Therapy/Activity Center

Gymnasium

Patient Lodges #3, #4, #5, #6, #7, #8

Patient Lodges #1 & #2

Jan.26, 2017

Madam Chair and members of the Board. Thank you for providing this opportunity to speak today.

If it pleases the chair, I would like to provide copies of my statement, with graphics, so that all may follow along.

I draw your attention to page 5 of the Murer document....and specifically the 3rd paragraph. It is in the document submitted by the petitioner. The data references sources of the US Department of Health and Human Services, Substance and Mental Health Administration.

It states that there are twenty-two (22) facilities that provide "hospital inpatient" detoxification services in Illinois. And only one existing non-hospital facility is listed as licensed by the Illinois Division of Alcoholism and Substance Abuse. That being in Woodridge, Illinois.

Twenty three Substance Abuse facilities are listed in this memo...yet **only one** is not a hospital or hospital associated facility. 96% of the identified Illinois treatment facilities listed in the consultant's report for the petitioner are hospital based facilities. **Even the often referenced benchmark rehabilitation facility, Betty Ford in California, is on the campus of the Eisenhower Hospital.**

Why is that significant?

I invite you to drive from the Wasco fire station to Glenwood and then on to Delnor hospital. It is a route of 14.9 mile and 27 minutes. I drove it. As the minutes and miles tick by, imagine that either you or... a loved one is the patient in need of this emergency care.

Why are 96% of the substance abuse rehabilitation centers co-located with hospitals. Response time to emergency treatment. Should not those patients, in a rehabilitation program, not be entitled to the best care in an emergency?

In the 6 essential considerations / findings of fact, upon which you will make your decision, the first states, "That the establishment, maintenance, or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, general welfare;"



Whether you are the rehabilitation patient making that long and time critical trek to the hospital ...or an existing area resident in need of emergency ambulance service...you are both competing for the emergency services on an already strained system.

Is not the patient...or the existing resident at an unreasonable risk? Is there not an endangerment to the Maxxam patient...as he or she competes for ambulance services on a 27 minute...plus... trip to a hospital?

Now let's turn to the petitioner's application for Zoning Map Amendment and/or Special Use. On page 2 of the Zoning and Use Information, the stated designation is "Institutional / Private Open Space. Please turn to the page and section from the County 2040 plan which defines "Institutional / Private Open Space. ..."important scientific, cultural, and educational opportunities" are listed. However, there is not the hint of medical, hospital, or substance abuse listed as uses. The proposal simply does not meet these criteria.

Who is Maxxam LLC? They are a Delaware registered LLC of less than 2 years with, by their own statements, has absolutely no prior or current activity in any aspect of the medical, patient care, substance abuse or alcohol rehabilitation. There is nothing in the resume, submitted by Mr. Marco, to indicate otherwise.

NO Staff...No History...and a string of "NO Comments".

What you have are a lot of promises...promises not backed by any prior history.

Last year the ZBA, Kane Development Committee, and the full Board denied the Special Use petition after a marathon of hearings ...covering many weeks..

The petitioner has offered no new testimony, he has rested his case and you have a load of "No Comment."

The ZBA has been presented with 9 conditions...8 of which have been recognized as old submissions during the 2016 process. Only the offer of a Narcon supply is new. And that is of questionable value for the purpose of a zoning consideration.

As was testified at the last meeting attorney Kinnally had identified that 5 of these conditions were not enforceable.

Nothing New...that bears repeating....nothing New!

Why should there be any expectation of a different decision other than that already established by the ZBA, the Development Department, and County Board on this Special Use?

I / we ask that you re-affirm, based upon Nothing New, a denial of the Special Use.

Thank you.

Respectfully,
Mike Tyrrell
Campton Hills

These requirements (as well as the other requirements listed above) indicate that the level of acuity and personnel required to provide Level IV Medically Managed Detoxification share a number of characteristics with Illinois-licensed hospitals. As such, the proposed Facility is similar to a hospital under Illinois licensure law.

3. The services to be provided by the proposed Facility are regularly and customarily provided by hospitals in Illinois.

As discussed above, Illinois-licensed hospitals are appropriate venues for alcoholism and substance abuse treatment services. Also as discussed above, given the high level of acuity, the service to be provided by the proposed Facility (Level IV Medically Managed Detoxification) requires staffing and services similar to that of a hospital.

As a result, numerous hospitals provide these services in Illinois. Per the "Substance Abuse Treatment Facility Locator," as operated by the US Department of Health and Human Services, Substance Abuse & Mental Health Services Administration, twenty-two (22) facilities provide "hospital inpatient" detoxification services in Illinois (see the results of the treatment facility locator search attached hereto as Exhibit A). In contrast, per the Illinois Department of Human Services website, only one existing non-hospital facility is licensed by the Division of Alcoholism and Substance Abuse in Illinois to provide Level IV detoxification services:

Cornell Interventions Woodridge
2221 W. 64th Street, 1st and 2nd Floor, Woodridge, IL, 60517.²⁶

Although a facility is not required to be a hospital to provide this medically managed detoxification treatment per the regulations discussed above, the fact that hospitals regularly and customarily provide such treatment is indicative of the similarities between a hospital and the proposed Facility.

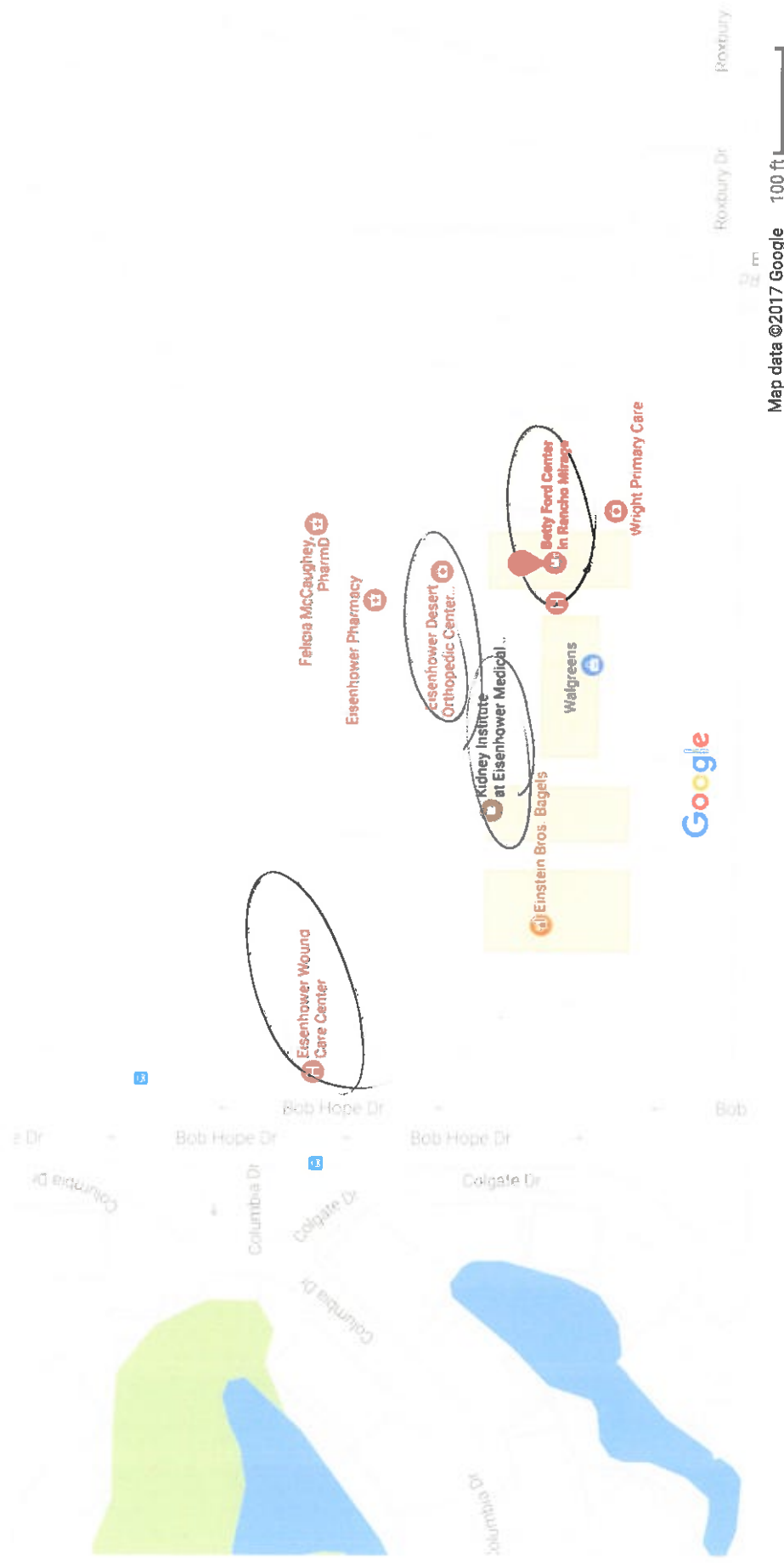
CONCLUSION

Given the above analysis, it is the opinion of Murer Consultants that the Facility as proposed is similar to a hospital, as the term is defined under the Kane County Zoning Ordinance. This is because the Facility substantially meets the definition of a "hospital" under the Ordinance, shares numerous similarities to hospitals under Illinois licensure law, and will provide detoxification services regularly and customarily provided by hospitals.

Should you have any additional questions or concerns, please contact Murer Consultants at (708) 478-7030.

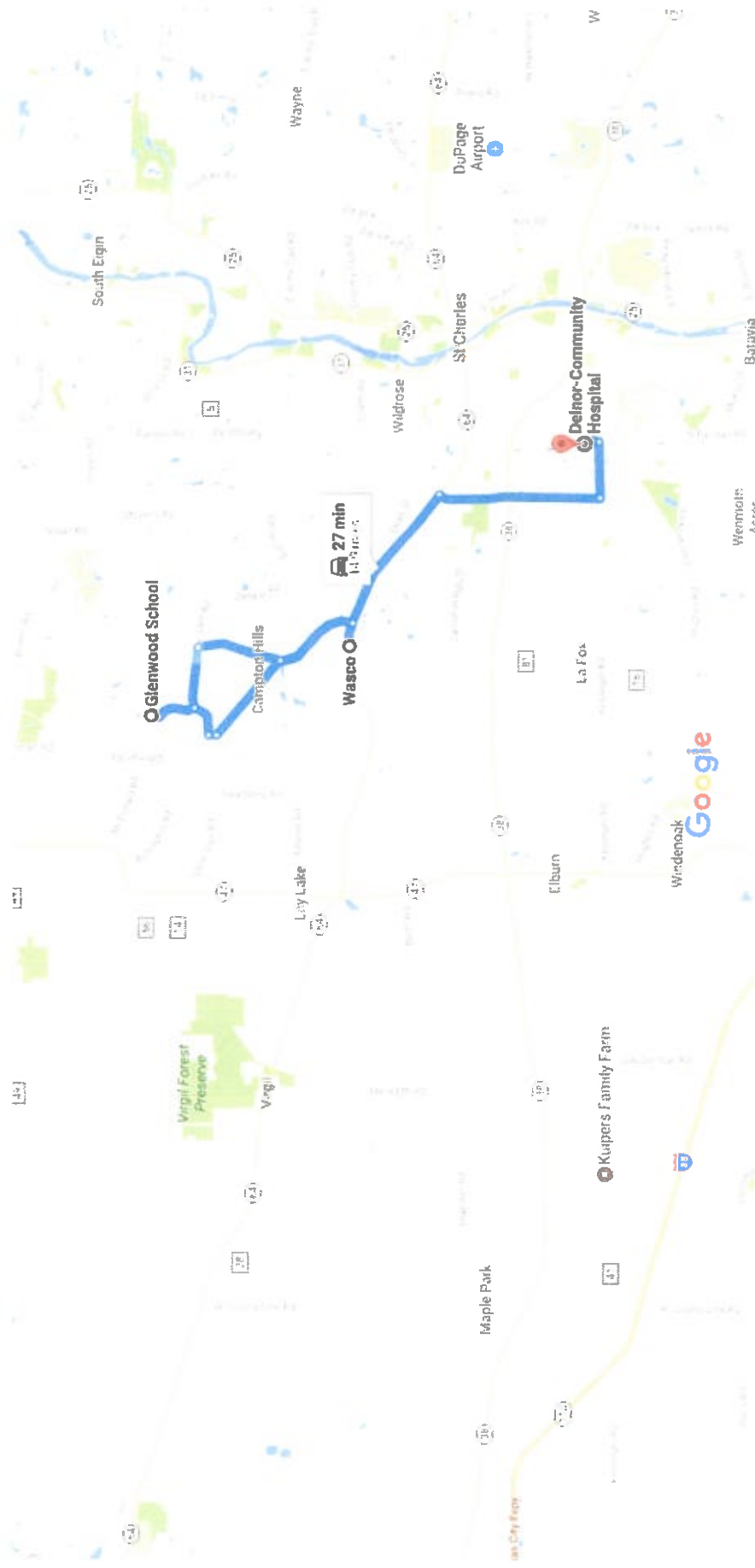
²⁶ See DASA Licensed Sites Sorted by County/City/Township, available at https://www.dhs.state.il.us/onenetlibrary/27896/documents/by_division/oasa/licensedirectorybycounty.pdf.

Google Maps Betty Ford Center in Rancho Mirage



Google Maps Wasco, Campton Hills, IL 60175 to Delnor-Community Hospital

Drive 14.9 miles, 27 min



Map data ©2017 Google

via Burlington Rd and Corron Rd
27 min without traffic

27 min
14.9 miles

Facility	Agency	2015 Calls	Tab
Timberline Knolls Residential Treatment Ctr., Lemont, IL	Police	213	A
	Fire	167	B
Rosecrance—Harrison Campus, Rockford, IL	911 Service*	119	C
Rosecrance—Griffin Williamson Campus, Rockford, IL	911 Service*	81	D
Fairwinds Treatment Center, Clearwater, FL	Police	11	E
	Police	122	F
	Fire	4	G
Gateway—Carbondale, Carbondale, IL	Ambulance	5	H
	Police*	259	I
Linden Oaks, Naperville, IL	Fire	130	J
	Sheriff	118	K
Gateway Alcohol & Drug Treatment Cntr., Lake Villa, IL	Fire	68	L
	Police	53	M
Riverside Resolve Center, Manteno, IL	Fire	12	N
	Police	147	O
Cornell Interventions, Woodridge, IL	Fire	40	P

*Includes records for calls to all first responders.



KANE COUNTY DEVELOPMENT DEPARTMENT
Zoning Division, Kane County Government Center
 719 Batavia Avenue
 Geneva, Illinois 60134
 Office (630) 444-1236 Fax: (630) 232-3411

Received Date

**APPLICATION FOR ZONING MAP AMENDMENT
 AND/OR SPECIAL USE**

Instructions:

To request a map amendment (rezoning) for a property, complete this application and submit it with all required attachments to the Subdivision and Zoning Division.

When the application is complete, we will begin the review process.

The information you provide must be complete and accurate. If you have a question please call the subdivision and zoning division, and we will be happy to assist you.

1. Property Information:	Parcel Number (s): 08-03-100-009; 05-34-300-032; 05-34-400-025
	Street Address (or common location if no address is assigned): 41W400 Silver Glen Road, St. Charles, IL 60175

2. Applicant Information:	Name Maxxam Partners, LLC	Phone (630) 513-9800
	Address c/o Andrew E. Kolb, Esq. & F. Keith Brown Meyers & Flowers, LLC 3 N. Second Street, Suite 300 St. Charles, IL 60174	Fax (630) 513-9802
		Email akolb@vklawfirm.com

3. Owner of record information:	Name Glenwood Academy, an Illinois not-for-profit corporation	Phone (708) 754-0175
	Address c/o Mary Hollie, President & CEO, Glenwood Academy 500 West 187th Street, Glenwood, IL 60425	Fax (708) 754-0175
		Email mhollie@glenwoodschoool.org

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Institutional / Private Open Space

Current zoning of the property: F District-Farming

Current use of the property: Vacant- Formerly Glenwood School

Proposed zoning of the property: F District - Farming. No proposed change

Proposed use of the property: Private-pay alcoholism and substance abuse treatment facility

If the proposed Map Amendment is approved, what improvements or construction is planned? (An accurate site plan may be required)

Attachment Checklist

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Completed Land Use Opinion application (Available in pdf form at www.kanedupageswed.org/lno.pdf), as required by state law, mailed to: The Kane Dupage Soil and Water Conservation District, 545 S. Randall Road, St. Charles, IL 60174.
- Endangered Species Consultation Agency Action Report (available in pdf form at www.dnr.state.il.us/orep/ntrc/aar.htm) to be filed with the Illinois Department of Natural Resources.
- List of record owners of all property adjacent & adjoining to subject property
- Trust Disclosure (If applicable)
- Findings of Fact Sheet
- Application fee (make check payable to Kane County Development Department)

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

Mary H. Holler 8/27/15
Record Owner Date

Andrew Law, Esq. 8/27/15
Applicant or Authorized Agent Date

Existing Public Open Space

One of the most important countywide systems is the County's open space armature and green infrastructure. This category reflects existing ownership of property, generally over 10 acres in size, by the municipalities, townships, park districts, the Forest Preserve District, and other public bodies. These existing open space and green infrastructure areas provide a framework for the provision of additional open space and the expansion of green infrastructure.

The open space and green infrastructure areas relate directly to the various functions previously discussed in the plan. They range in size and function from small, neighborhood playgrounds providing healthy, active recreational opportunities to large and extensive forest preserves offering wildlife habitats, natural area protection, and passive recreational pursuits.

Institutional/Private Open Space

This category includes a number of private and institutional property ownership. Representative areas are the McGraw Wildlife Foundation, Fermi National Accelerator Laboratory, Mooseheart, and the various youth camps. Although these areas may not be generally accessible to the public, they do provide a number of ecological functions and the plan recommends connecting them to other open space and green infrastructure areas when feasible.

These lands include areas providing visual open space and community separation, preserving important woodlands and wetlands, protecting critical wildlife habitats, and offering important scientific, cultural, and educational opportunities to the residents of Kane County. It is important that the County communicate with the various owners of these lands regarding their proper maintenance and management.

Proposed Open Space

This category includes areas recommended for both public and private open space and green infrastructure uses. The provision of additional open space and green infrastructure has historically been and continues to be a major priority of the County's planning program. The areas indicated could become either major additions to existing public open space and green infrastructure or remain private and still serve as linear connections between large areas of open space.

Open space and green infrastructure provide a number of valuable ecosystem functions. The remaining wetlands in the County are an important element of the open space and green infrastructure network. It has been recognized that wetlands provide important aquifer recharge, water quality and wildlife habitat functions. These functions become increasingly important as populations



Fox River and Countryside Fire Rescue District

34W500 Carl Lee Road, St. Charles, IL 60174

Phone (630) 584-3473 - Fax (630) 584-8266

January 26, 2017

Kane County Development and Community Services Department

Mark VanKerkhoff, Director

719 Batavia Avenue, Building A

Geneva, IL 60134

RE: Glenwood School/Maxxam Partners LLC Zoning Petition No. 4364

Dear Mark,

I write to clarify the position of the Fire District with respect to the proposed facility at 41W400 Silver Glen Road. Specifically, the County has inquired about the Fire District position with respect to a secondary road access from McDonald Road as condition of approval for this project.

As Fire Chief, during my testimony on January 24th, I was asked for my professional opinion on the concept of having a secondary means of access for this property. My response was based upon having a second driveway as an ideal situation during a hypothetical natural emergency, such as a tornado strike. I was not asked about making such driveway a condition of approval for the property.

I was also asked about the December 23, 2015 letter to you from Chief of Operations Carl DeLeo. In that letter, he refers to the possible use of the old driveway to McDonald Road. I agree with the conclusion of that letter indicating that it would not be required.

As a professional planner, you are aware that these types of conditions for a secondary access are typically established when the facility is originally constructed. This was not the case. The position of the Fox River and Countryside Fire Rescue District remains unchanged from our previous letter.

As the letter from Chief DeLeo points out, since the old driveway was never used, we do not feel that it is a necessary requirement. Accordingly, we conclude that the absence of a second entrance will not hinder our operations. It is our feeling that money spent to make this improvement would be better served if put toward enhancing the Fire District emergency medical services equipment.

Sincerely,

John R. Nixon, Fire Chief

Fox River & Countryside Fire Rescue District

FD-6