

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **June 17, 2010**
Time: **7:00 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.,
and enter building through Northeast
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (May 27, 2010)
5. Continued Public Hearings

Note: Case 657-V-09 has been withdrawn by the Petitioners. See the memoranda.

***Case 657-V-09** Petitioner: **Larry and Diane Lambright; and Scott Lambright**

Request: **Authorize the use of an existing two story detached accessory storage building with a second story deck with a side yard of three feet in lieu of the required ten feet side yard for accessory structures in the AG-2 Agriculture zoning district, and an average height of 16 feet in lieu of the maximum allowed 15 feet average height for residential accessory structures on lots less than one acre in area in the AG-2 Agriculture zoning district.**

Location: **Lot 1 of Cook's Replat of Tract B of the K.D. Headlee Subdivision in Section 14 of Mahomet Township and commonly known as the house at 206B Lake of the Woods, Mahomet.**

Case 668-AT-10 Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

1. **In Section 3, add RESIDENTIAL RECOVERY CENTER as a defined term, and is generally a group living facility for residents who are receiving support and training to assist them in recovering from the effects of chemical and alcohol dependency.**
2. **In Section 4.2.1 C. authorize RESIDENTIAL RECOVERY CENTER as a second principal use on a lot with a church or temple in the AG-2 District.**
3. **In Section 5.2, add RESIDENTIAL RECOVERY CENTER to the Table of Authorized Principal Uses as a use allowed by-right in the R-4 Multiple Family Zoning District, and allowed by Special Use Permit only, subject to standard conditions, only in the AG-2 Agriculture Zoning District and indicate a new footnote.**

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Case 668-AT-10 cont:

4. In Section 5.2 add the new footnotes as follows:
 - a. Add a new footnote indicating **RESIDENTIAL RECOVERY CENTER** is only allowed as a Special Use Permit in AG-2 District when:
 - (1) Located within one-and-one-half miles of a home rule municipality with an adopted comprehensive plan; and
 - (2) Operated by a church or temple and located on the same property as the operating church or temple.
 - b. Add a new footnote indicating the maximum number of residents in a licensed **RESIDENTIAL RECOVERY CENTER** in the R-4 District is 16.
5. Add **RESIDENTIAL RECOVERY CENTER** to Section 6.1.3 with standard conditions of approval, including but not limited to:
 - (1) The property must be served by public transportation; and
 - (2) A limit of 25 residents; and
 - (3) Supervision by a responsible and qualified staff person, 24 hours per day, seven days per week.

6. New Public Hearings

7. Staff Report

8. Other Business

A. May, 2010 Monthly Report

9. Audience Participation with respect to matters other than cases pending before the Board

10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

1 **MINUTES OF REGULAR MEETING**
2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
3 **1776 E. Washington Street**
4 **Urbana, IL 61801**

5
6
7 **DATE:** May 27, 2010 **PLACE:** Lyle Shields Meeting Room
8 1776 East Washington Street
9 Urbana, IL 61802

10 **TIME:** 7:00 p.m.

11 **MEMBERS PRESENT:** Doug Bluhm, Catherine Capel, Thomas Courson, Melvin Schroeder, Eric
12 Thorsland, Paul Palmgren

13
14 **MEMBERS ABSENT :** Roger Miller

15
16 **STAFF PRESENT :** Lori Busboom, John Hall, J.R. Knight, Christina Papavasiliou (Assistant
17 State's Attorney)

18
19 **OTHERS PRESENT :** Jeff Tock, Carl Webber, Randall Brown, Herb Schildt, John Rhoads, Sherry
20 Schildt, D. L. Rogers

21
22
23 **1. Call to Order**

24
25 The meeting was called to order at 7:03 p.m.

26
27 **2. Roll Call and Declaration of Quorum**

28
29 The roll was called and a quorum declared present with one member absent.

30
31 **3. Correspondence**

32
33 None

34
35 **4. Approval of Minutes (May 13, 2010)**

36
37 **Mr. Courson moved, seconded by Ms. Capel to approve the May 13, 2010, minutes as submitted. The**
38 **motion carried by voice vote.**

39
40 **5. Continued Public Hearing**

41
42 **Case 645-S-09 Petitioner: Robert and Barbara Gerdes Request to authorize the construction and use**
43 **of a "Restricted Landing Area" as a Special Use in the AG-1 Agriculture Zoning District. Location:**
44 **An approximately 83 acre tract that is approximately the West Half of the Southwest Quarter of**
45 **Section 33 of Ayers Township and commonly known as the farm at 52 CR 2700E, Broadlands.**

46
47 Mr. Bluhm informed the audience that this is an Administrative Case and as such the County allows anyone
48 the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands

SUBJECT TO APPROVAL
DRAFT

1 645-S-09 and certain County Board members have requested the status of the case.

2
3 Mr. Bluhm stated that a lot of the neighbor's and other interested parties of Case 645-S-09 have not been
4 attending the last couple of meetings because they are familiar with the fact that it will probably be
5 continued. He said that those neighbors and interested parties would probably appreciate a date certain for
6 final action so that they can be prepared when they attend the meeting. He said that if the case is continued
7 to the August 26th meeting then that would be a date certain of a final decision to occur on that night. He
8 said that this would put everyone on notice and surely within that 100 day timeframe the court would have
9 made their decision.

10
11 **Mr. Thorsland moved, seconded by Ms. Capel to continue Case 645-S-09, Robert and Barbara Gerdes**
12 **to the August 26, 2010, meeting for final action. The motion carried by voice vote.**

13
14 Mr. Hall stated that notice will be sent to all neighbors so that they are aware of the timeframe.

15
16 **Mr. Thorsland moved, seconded by Ms. Capel to rearrange the agenda and hear Case 668-AT-10,**
17 **Zoning Administrator prior to Case 665-AT-10, Zoning Administrator. The motion carried by voice**
18 **vote.**

19
20 **Case 665-AT-10 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
21 **Ordinance by revising paragraph 4.3.3 G. as follows: A. Increase the maximum fence height allowed**
22 **in side and rear yards from six feet to eight feet for fences in Residential Zoning Districts and on**
23 **residential lots in the AG-1 and AG-2 Zoning Districts; and B. Require all fencing that is in the front**
24 **yard and that is higher than four feet tall to be at least 50% transparent in Residential Zoning**
25 **Districts and on residential lots in the AG-1, AG-2, and CR Zoning Districts; and C. Increase the**
26 **maximum allowed height of all fencing to allow up to three inches of ground clearance.**

27
28 Mr. Hall distributed a Supplemental Memorandum dated May 27, 2010, to the Board for review. He said
29 that the memorandum diagrams another alternative on how to deal with transparency in the rural districts and
30 it is based on the consideration that in the rural districts the fact that a vehicle drives by is not a big deal
31 because most of the houses are further back from the street than they are in districts with smaller lot sizes.
32 He said that pulling in to a driveway is a different thing because when the Sheriff or emergency services pull
33 into the driveway there are safety concerns. He said that the alternative would require only fencing that
34 extends along the driveway to the visibility triangle and fencing that is between the dwelling and the required
35 front yard shall be 50% transparent above four feet. He said that the alternative, included as Attachment A of
36 the Supplemental Memorandum dated May 27, 2010, would be a very modest imposition on property rights
37 and he does not know how common it is to find fences in this location on rural lots. He said that currently
38 the Zoning Ordinance groups residential districts and residential lots in the agricultural districts and because
39 of the complexity of the fencing revisions the requirements for residential districts and agricultural districts
40 have been split out. He said that there are older subdivisions in the rural areas that are actually in the R-1
41 District even though they have lots that are at least 20,000 square feet in area. He said that 20,000 square
42 feet in area is also the minimum required lot size in the AG-2 District and so currently the fact that the AG-2
43 District with 20,000 square foot lots and the lots in the R-1 District that are 20,000 square feet in area are

- 1
- 2 Mr. Hall stated that if someone had a fence along the entire 700 foot stretch of driveway then it would have
- 3 to be transparent.
- 4
- 5 Mr. Schildt stated that 700 feet in to a property which has 500 feet of woods and the house cannot be seen
- 6 from the driveway would still require a variance for transparency.
- 7
- 8 Mr. Hall stated yes.
- 9
- 10 Mr. Bluhm asked the Board if there were any questions for Mr. Schildt and there were none.
- 11
- 12 Mr. Bluhm asked if staff had any questions for Mr. Schildt and there were none.
- 13
- 14 Mr. Hall stated that if the Board would like staff to come back with a fully revised amendment then staff can
- 15 do that and staff will also run this idea past the Sheriff so that he is aware of what is being proposed.
- 16
- 17 Mr. Courson stated that perhaps staff should also address whether gates across driveways should also be
- 18 required to be transparent.
- 19
- 20 Mr. Bluhm stated that this would make sense because if someone has a big lot out in the rural area the
- 21 fencing may not be run back to the house.
- 22
- 23 Mr. Courson stated that he wouldn't spend the money to construct a fence all the way up the driveway and
- 24 would install a gate across the driveway.
- 25
- 26 Mr. Hall stated that he does not know what the fire protection districts think about gates in driveways.
- 27
- 28 Mr. Thorsland stated that he has a gate although it isn't in the visibility triangle and it is already transparent.
- 29 He said that the fire department can open up any gate they need to.
- 30
- 31 Mr. Bluhm stated that the fire department will but if a 12 foot tall gate is allowed then everything that the
- 32 Board has tried to achieve will be eliminated.
- 33
- 34 Mr. Thorsland stated that perhaps staff could check with the municipalities to see how they handle gates.
- 35
- 36 Mr. Hall stated that staff will speak with the municipalities.
- 37
- 38 Mr. Palmgren asked if the visibility triangle is half the distance of the house would the transparency
- 39 requirement still be enforced.
- 40
- 41 Mr. Hall stated that it is where the driveway intersects the right-of-way.
- 42
- 43 Mr. Bluhm stated that he likes the diagram. He said that if the officer pulls into the driveway they cannot see

1 over the fence but they can see ahead and if they pull up into the driveway they can see the front of the
 2 house. He said that he does not have a problem with a fence being along 700 feet of driveway because a
 3 variance is available. He said that a gate should have to be 50% transparent.
 4

5 Mr. Hall stated that staff will add the gate which will be a stand alone thing that could be stricken from the
 6 amendment if needed. He said that staff will give the Sheriff’s office a heads-up on the status of the text
 7 amendment and will also check with the fire protection districts and municipalities to obtain their comments.
 8 He said that he would recommend a continuance date of July 15, 2010.
 9

10 **Mr. Thorsland moved, seconded by Mr. Courson to continue Case 665-AT-10 to the July 15, 2010,**
 11 **meeting. The motion carried by voice vote.**
 12

13 **6. New Public Hearings**
 14

15 **Case 668-AT-10 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
 16 **Ordinance as follows: 1. In Section 3, add RESIDENTIAL RECOVERY CENTER as a defined term**
 17 **that generally is a group living facility for residents who are receiving support and training to assist**
 18 **them in recovering from the effects of chemical and alcohol dependency; and 2. In Section 4.2.1 C.**
 19 **authorize RESIDENTIAL RECOVERY CENTER as a second principal use on a lot that with a**
 20 **church or temple in the AG-2 District; and 3. In Section 5.2 add RESIDENTIAL RECOVERY**
 21 **CENTER to the Table of Authorized Principal Uses as a use allowed by-right in the R-4 Multiple**
 22 **Family Zoning district, and allowed by Special Use Permit subject to standard conditions only in the**
 23 **AG-2 Agriculture Zoning District and indicate a new footnote; and 4. In Section 5.2 add the new**
 24 **footnote indicating RESIDENTIAL RECOVERY CENTER is only allowed as a Special Use Permit in**
 25 **AG-2 District when: (1) Located within one-and-one half miles of a home rule municipality with an**
 26 **adopted comprehensive plan; and (2) Operated by a church or temple and located on the same**
 27 **property as the operating church or temple; and 5. Add RESIDENTIAL RECOVERY CENTER to**
 28 **Section 6.1.3 with standard conditions of approval, indicating but not limited to: (1) the property**
 29 **must be served by public transportation; and 92) a limit of 30 residents; and (3) 24-hour, seven days**
 30 **per week supervision by a responsible and qualified staff person.**
 31

32 Mr. Hall distributed a new Supplemental Memorandum dated May 27, 2010, to the Board for review. He
 33 said that this is a new text amendment that was authorized by the Champaign County Board Committee of
 34 the Whole at their May 4, 2010, meeting. He said that the text amendment is necessary because the
 35 Apostolic Life UPC Church at 2107 High Cross Road, Urbana has been operating a small, eight person or
 36 fewer recovery program (the Lifeline connect Ministry) since the fall of 2007 as an unauthorized use in the
 37 AG-2 District. He said that the church believed that since this use was a part of their ministry it was allowed
 38 by-right although staff disagrees with their view. He said that he contacted the fire protection district chief
 39 and spoke to Pastor Rogers about some issues to assure safety. He said that staff had received some
 40 complaints about folks hitchhiking on High Cross Road, which is a very busy, narrow pavement, and staff
 41 contacted Pastor Rogers making him aware of those complaints. Mr. Hall noted that no further complaints
 42 have been received. He said that currently the Apostolic Church would like to expand the program and make
 43 it conforming. He said that since this is a church and there is already a disagreement about whether this is an

1 inherit part of their ministry and because this involves certain aspects of the Fair Housing Act shutting down
2 the program, since it was so small, did not appear to be a good idea and both of those things should be taken
3 into account when amending the ordinance to provide for expansion. He said that the text amendment
4 description allows for 30 residents but during the preparation of the first memorandum for the case staff
5 realized the big difference between what is allowed by the municipalities for community living facilities and
6 what the church is proposing for this use. He said that it has been staff's position that this use does not
7 appear to be a community living facility and that is not a proper comparison however the new memorandum
8 does include a letter for the City of Urbana and the City of Champaign regarding this use. He said that the
9 Board cannot obtain official comments from municipalities until the Board makes a recommendation
10 although it would be nice for this Board to have some comments to work with during the public hearing
11 therefore the municipal staff did submit the attached letters. He said that the basis of the comparison is a
12 community living facility which he feels is incorrect but at a maximum such a use would only allow 16
13 occupants. He said that he and Mr. Knight realized that they indicated an allowance of 30 occupants and the
14 municipalities indicate 16 therefore as a compromise he and Mr. Knight backed down to an allowance of 25
15 occupants, as indicated in Attachment E, Draft Proposed Amendment. He said that in the AG-2 Special Use
16 Permit Authorization the maximum number of residents allowed at one time is proposed be 25 and for the
17 By-Right Authorization in the R-4 District the maximum number of residents allowed at one time is
18 proposed to be 16. He said that todate staff has not received any information regarding a proposed
19 Residential Recovery Center in the R-4 District but staff felt compelled to include a by-right authorization so
20 that the amendment is more comprehensive.

21
22 Mr. Hall stated that attached to the Supplemental Memorandum dated May 27, 2010, are the relevant
23 definitions for the City of Champaign and City of Urbana's Zoning Ordinances. He said that there is a
24 history dated from 1986 as to why the municipalities have adopted virtually the same standards for
25 community living facilities. He said that in 1986 there was an effort lead by the Champaign County Mental
26 Health Board to try to develop standardized requirements. He said that a community living facility is
27 defined as a dwelling unit operated to provide supervision, food, lodging, or other services to a service
28 dependent population as herein defined, living and cooking together in a single cooperative housekeeping
29 unit, consisting of: (a) a basic group of members of a service dependent population; and (b) additional staff
30 persons providing supervision of service to the basic group. He said that both the City of Champaign and the
31 City of Urbana's Ordinances define a service dependent population as follows: those persons, who by
32 reason of mental or physical disability require supervision in a quasi-parental relationship, but do not require
33 medical or nursing care on-site. A service dependent population shall not include persons for whom such
34 services are a requirement of a sentence upon conviction of a criminal offense or whose need for such
35 services arises during or immediately following a sentence of incarceration for a criminal offense. He said
36 that the Community Living Facilities Licensing Act included in the Illinois Compiled Statutes
37 (210ILCS35/1) uses the term, "mild or moderate developmental disability," as the principal distinguishing
38 feature of the community that they are trying to serve which is not relevant to what this text amendment is
39 trying to add.

40
41 Mr. Hall stated that the Supplemental Memorandum dated May 21, 2010, compares the proposed
42 "Residential Recovery Center" to the City of Champaign's "Recovery Home," which is a state licensed
43 facility, and the City of Urbana's "Home for Adjustment," which does not have to be licensed by the state

1 and appears to be very similar to what staff is proposing as a “Residential Recovery Center.” He said that
 2 the City of Urbana’s ordinance basically limits the size of the “Home for Adjustment” to whatever
 3 occupancy is authorized under their building code. He said that it is a function of house design and
 4 complying with all of the various parts of their code. He said that the City of Urbana wondered why staff
 5 was considering the AG-2 District and staff had explained the reasoning in the memorandum dated April 23,
 6 2010, that was distributed to the County Board. He said that if this were coming from staff and not based on
 7 any known need staff would probably not include this use in the AG-2 District but currently the need is
 8 located in the AG-2 District. He said that because this use is accessory to a church and churches have been
 9 authorized under the Land Use Regulatory Policies. He said that we are now operating under the policies
 10 that were adopted in the new Land Resource Management Plan and staff believes that the use will comply
 11 with the LRMP primarily due to the fact that, once the church is authorized with all of the traffic and other
 12 impacts the church will have, a 25-30 person residential recovery center where there are no private vehicles
 13 and all services are provided indoors is a relatively minor increase. He said that the proposed use will not be
 14 considered an accessory use because if it were the use could happen at any church therefore the use merits
 15 consideration as a second principal use in the AG-2 District. He said that the proposed use is allowed as a
 16 principal use in the R-4 District on its own lot with a limit of 16 occupants.
 17

18 Mr. Schroeder stated that he was on the Mental Health Board when the standardized requirements were
 19 enacted because a lot of this type of service was required by the community therefore it was decided that the
 20 church would take on the responsibility to serve this need. He said that when he became involved it was not
 21 known how entangled it would be and at the time the church served the 25 people that were in need. He said
 22 that at the time it was at the mercy of the Board to do some good for those folks.
 23

24 Mr. Bluhm asked the Board if there were any questions for Mr. Hall and there were none.
 25

26 Mr. Bluhm called Mr. Carl Webber to testify.
 27

28 Mr. Carl Webber, attorney representing the Apostolic Life UPC Church and Lifeline Connect Ministry,
 29 stated that he will try to summarize the work that has been done within a short period of time without
 30 leaving something out. He thanked Mr. Schroeder for his comments and said that he just came from the
 31 Developmental Services Board himself and between those two entities a tremendous amount of work has
 32 been completed. He said that this request would not be in an attempt to change anything that was done
 33 before and should be looked at as a different approach or need and would not have any influence on the
 34 availability of assistance. He said that the County Board suggested the need for this type of provision in the
 35 Zoning Ordinance in allowing what is described as “Residential Recovery Centers.” He said that the
 36 facilities, as described by staff, are available to assist those who are recovering from some form of substance
 37 abuse but are not described to fill these needs of those who require medical services, treatment, or those with
 38 mental and physical disabilities. He said that Lifetime Connect Ministry is a faith based rehabilitation
 39 program for men who suffer from alcohol, drug or other prescription addiction. He said that he realizes that
 40 he is not before the Board tonight to request approval of a special use permit but he does want to make sure
 41 that the Board is aware of the specific need. He said that there is a maximum of eight men in the program
 42 with currently six enrolled.
 43

1 Mr. Webber stated that the facility adjoins and is operated by the Apostolic Life UPC Church which is
2 located at 2107 High Cross Road on a 6-1/2 acre tract. He said that the old Pyramid Paper building was
3 turned into a beautiful facility with a large number of people supporting the church. He said that the church
4 has been a big help to High Cross Road and it is his understanding that the neighbors support its existence.
5 He said that the church has operated the organization "Lifetime Connect Ministry" for several years as a
6 religious function of the church and as it expands the organization will probably require a license, which of
7 course will be applied for if required. He said that it has been suggested that even as it would be continued
8 the facility will be an accessory use on the property and the addition that would be built in the future would
9 be less than 1/10th of the size of the church itself. He said that he, his clients and staff have agreed to
10 disagree on this issue and suggested that regardless of the fact that they believe that it is simply an additional
11 or accessory use they believe that what staff has proposed will work and appreciates staff's efforts. He said
12 that this issue was brought before the County Board to authorize staff to propose the text amendment before
13 this Board for a recommendation. He said that there were 60 to 70 people present at the County Board
14 meeting and several addressed the County Board including graduates of the program, the director of the
15 program and several neighbors who were all in favor of the facility. He said that many of those people are
16 present at tonight's meeting including three graduates, the director, on-site director and the pastor to answer
17 any questions that the Board may have regarding this use. He said that they realize that a recommendation
18 will probably not be finalized tonight but they would like to submit as much information as possible.
19

20 Mr. Webber stated that there are special uses allowed in the AG-2 District which are much more intrusive
21 than the proposed use such as motels, schools, nursing homes and libraries because they would require large
22 parking lots and a lot of lighting. He said that staff has proposed conditions upon the approval such as 24-
23 hour, seven days per week supervision by a responsible and qualified staff person, religious connection,
24 proximity to a municipality, etc. which frankly may almost limit the use to this particular location. He said
25 that this is kind of like a generally written state statute that applies to all cities with a population of over two
26 million even though it really only applies to Chicago.
27

28 Mr. Webber stated that the proposed text amendment is much more restrictive than the ordinances in the
29 City of Champaign and the City of Urbana and is indeed a very different proposal. He said that the AG-2
30 provision does allow a larger number of residents than the City of Champaign or City of Urbana ordinances
31 and this is for a very good reason. He said that they had hoped for an allowance of 30 residents but under
32 Mr. Hall's recommendation they are willing to proceed with a request of 25. He said that as people rotate in
33 and out of the facility the maximum number of 25 may be reached during a few months a year while the
34 average number of people present at the facility may 18. He said that if there is someone who is ready to
35 commit to this type of a program then it is not preferable to inform them that it is hoped that they will still be
36 willing to commit in four months when there is a vacancy. He said that when someone commits to the
37 program they are committing to being there and involved in the facility for one full year. He said that other
38 programs are only for sixty to ninety days where the clients are run in and out the door. He said that at the
39 subject facility the staff is very careful with having a slow process during each month of their stay. He said
40 that during the first six months the client is only onsite and during the second six months they will have a
41 part-time job in town hence the reason why whatever facility is approved is on the bus route for
42 transportation. He said that the proposed use is not a community living facility like what would be discussed
43 with the Board of DSC or Mental Health because they are very different entities. He said that he does not

1 believe that the proposed use should be lumped with a community living facility and even though the City of
2 Urbana has chosen to do such, and he will not necessarily indicate that they are wrong, but if you are trying
3 to focus on one side or the other it will make it difficult to try to conform to the needs of both of these types
4 of facilities. He said that the City of Champaign has a provision that focuses on just these types of facilities
5 but they have a provision that allows them by-right in R-1, R-2 and R-3 therefore they are very conservative
6 of the type of facility and the kind of people that are at the facility. He said that he does not believe that the
7 City of Champaign or the City of Urbana is talking about apples versus apples although he has not had an
8 opportunity to speak with their planning departments. He said that the important thing that he would like to
9 place before the Board is the need for the proposed use at this location and why this type of facility is a
10 reasonable request and merits the Board's support.

11
12 Mr. Webber stated that with a larger facility there is more efficient administrative support which is very
13 important due to the enormous amount of administrative regulations in serving 20-25 people rather than 8
14 and one day someone will charge for their services and it will be very expensive. He said that the ability to
15 attract and retain a director and staff with a smaller group of people served will be difficult. He said that the
16 current director is providing services free of charge although this cannot be expected forever and the facility
17 is going to have to be large enough to fund a director and adequate staff. He said that the concept of having
18 group counseling and a larger number of people is very important because with a larger number of people
19 there is a greater chance in finding someone who can connect with each other. He said that people who have
20 been in the program for several months are beginning to get it and have the responsibility in assisting new
21 clients who have enrolled in the program. He said that if the number of people being served is as low as 10
22 or 12 which are divided into two groups it would be very difficult to find good matches. He said the facility
23 has been very fortunate so far but they have had to be very restrictive during their selection of residents. He
24 said that he spoke with three gentlemen who are recent graduates of the program and asked them to explain
25 why it is important to have 25 residents over 16 residents allowed in the program and they indicated that 25
26 should be allowed because it will help not only single residents but entire families. He said that this is not
27 the type of organization that can be found on every street corner but is an organization that takes a
28 tremendous amount of work and contribution of time and money. He said that if the organization can serve
29 more families and people then all the better and from a money stand point if the organization is larger and
30 more visible there is a greater chance that it will receive a larger grant to improve the facility.

31
32 Mr. Webber stated that with the ability to have more residents the facility will be more efficient and the
33 organization will be able to afford to pay people to operate the facility. He said that he spoke with the Chief
34 Judge of the Circuit Court 10 year ago and during their conversation the judge indicated that we were losing
35 the war on drugs. Mr. Webber said that this is a chance that can be made to win the war on drugs and the
36 neighbors of the facility are on board.

37
38 Mr. Webber suggested that this is a religious use and the County should stay "hands off" but if it can be
39 worked out then he would love to ignore the argument. He suggested that the Fair Housing Act applies and
40 the American Disabilities Act applies and it is his job is to try to make this work for the organization. He
41 said that the philosophy of the Fair Housing Act is indeed the reason why these types of facilities are needed.
42 He said that the Americans with Disabilities Act does not apply to people who are on drugs only for those
43 who are working on getting off the drugs. He said that it is hoped that the County will accept and welcome

5/27/10

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 this project and the church is willing to proceed under the approach that staff has suggested and he hopes that
2 our society will have more not fewer institutions like Lifeline Connect. He said that he could talk for a long
3 time about this project but he will not and he would be happy to address any questions or concerns that the
4 Board may have.

5
6 Mr. Bluhm asked the Board if there were any questions for Mr. Webber.

7
8 Ms. Capel stated that it has not been specified as to the number of staff required for the facility and she
9 would think that there are guidelines for how many staff persons would be required.

10
11 Mr. Webber stated that they have a requirement that a staff person is present at the facility 24-hour, seven
12 days per week and that will vary depending upon how many people are in the second program versus the
13 number of people that are in the first. He said that the answer to Ms. Capel's question is in the massive
14 Administrative Code and he will be happy to obtain that answer as soon as possible but he can't tell the
15 Board the answer off of the top of his head.

16
17 Mr. Courson asked Mr. Webber if he could share the success rate of the program.

18
19 Mr. Randy Brown requested the opportunity to testify.

20
21 Mr. Bluhm requested that Mr. Brown sign the witness register and then he will allow him the opportunity to
22 address the Board.

23
24 Mr. Randy Brown, Director of Lifeline Connect Ministry, stated that he hears that question a lot and
25 everytime he hears an answer he wonders how they know. He said that after one year when men graduate
26 from the program they are offered several options. He said that they can go into Phase #3 where they are
27 basically out of the residential program but the organization continues to help them with their finances, the
28 graduate must complete 100% accountability and they are still involved in classes. He said that they are
29 offered a mentoring and accountability plan for other residents. He said that the success rate is
30 approximately 80% but there are of course a few people who have been able to leave the program after six
31 months. He said that a graduate who stays involved in the program authorizes the program to perform a drug
32 test on them every month. He said that after someone has graduated from the program but does not
33 participate in the mentoring and accountability plan he has no way to project their success rate.

34
35 Mr. Bluhm asked the Board if there were any questions for Mr. Brown and there were none.

36
37 Mr. Bluhm asked the Board if there were any additional questions for Mr. Webber.

38
39 Mr. Thorsland stated that Section 2060.509g)1)A)C) of the Joint Committee on Administrative Rules
40 Administrative Code indicates the staffing requirements for any building housing 17 or more residents.

41
42 Mr. Webber stated that the Recovery Home section recognizes that a facility can be over and under a specific
43 number of residents and the facility would have the responsibility to conform as to whether they are over or

1 under that specific number. He said the State is pretty strict about this and whatever is required the facility
2 will have. He said that depending upon how the number of residents are counted there are probably three
3 time the number of staff that is required because there is Pastor Rogers, his wife who is in charge of the
4 curriculum, Mr. Brown and the on-site director who will live at the facility with his wife. Mr. Webber stated
5 that the residents are considered part of the church family. He said that the facility is aware that they will
6 have to conform to the required level but currently and in the future they are above or at the minimum.
7

8 Mr. Thorsland asked Mr. Webber if the Board recommends a limit of 25 residents, which will require
9 specific licensing, will the program be willing to seek such licensing.
10

11 Mr. Webber stated yes.
12

13 Mr. Bluhm asked Mr. Webber if a size requirement is in the code as to the size of the building and how
14 many people can be housed in that building.
15

16 Mr. Webber stated that there is an architectural review required for both types of facilities. He said that the
17 type of facility that requires treatment is the more complicated facility which they are not, therefore the
18 architectural review for their facility is less stringent but in any case fire codes, etc. are applicable which are
19 more strict than the default code of the County.
20

21 Mr. Bluhm stated that he did not know if there was a square footage requirement per person or one bathroom
22 for so many residents.
23

24 Mr. Webber stated that there are requirements for a recovery home but the requirements are less strict.
25

26 Mr. Hall stated that when there is a church that has been approved within a municipal ETJ staff has found
27 that municipalities like to know that the building, that may be annexed someday, has been built to codes that
28 they have adopted. He said that this is a condition that he would like the petitioners to think about because it
29 generally helps with compliance of the State Fire Marshall's Life Safety Code if the facility complies with
30 the building code of the municipality.
31

32 Mr. Webber asked Mr. Hall if the City of Urbana and the State Fire Marshall use the International Building
33 Code.
34

35 Mr. Hall stated yes and this will be a special condition for approval.
36

37 Mr. Webber stated that he cannot imagine that they would not follow that code.
38

39 Mr. Bluhm asked the Board if there were any additional questions for Mr. Webber and there were none.
40

41 Mr. Bluhm asked if staff had any additional questions for Mr. Webber and there were none.
42

43 Mr. Bluhm asked the audience if anyone desired to sign the witness register to present testimony regarding

1 Case 668-AT-10 and there was no one.

2
3 Mr. Bluhm closed the witness register.

4
5 Mr. Hall asked the Board if there were any concerns regarding this case that they would like staff to follow
6 up on. He said that staff's task is to produce a finding of fact with enough evidence under the policies so
7 that when it goes to the municipal plan commission the Board's justification is there for review. He said that
8 currently staff's argument for justification is based on what was included in the May 21, 2010, Preliminary
9 Memorandum but if the Board has concerns now is the time to voice those concerns to staff.

10
11 Ms. Capel stated that it appears that the Board is concerned about the architectural review, staffing and
12 building codes.

13
14 Mr. Bluhm stated that it appears that staffing is included in the code.

15
16 Mr. Hall stated that he spoke to Mr. Webber about another standard condition being that staff is writing the
17 text amendment so that the facility doesn't necessarily have to have any license but in the context of any
18 hearing for a particular use it may be discovered that a license is required and he would recommend that
19 requirement as a standard condition. He said that this condition will not set it as a requirement but it would
20 be the kind of condition that would require that if the State of Illinois does require a license for a facility then
21 the license must be obtained within the state's guidelines.

22
23 Mr. Bluhm stated that Mr. Webber's testimony regarding why the larger number of residents works.

24
25 Mr. Hall stated that he spoke to Mr. Webber about having a maximum and average occupancy and the
26 maximum is a function of being able to bring people in when they commit. He said that he does not know if
27 those same concerns apply at a community living facility and that might be a good reason why the allowance
28 of 16 residents might work for a community living facility but a cushion or buffer may be required on top of
29 that for a residential recovery center.

30
31 Mr. Bluhm stated that City of Urbana has indicated that they would protest a limit of 30 residents.

32
33 Mr. Hall stated that he replied to both municipal staffs to make them aware of the change and that the
34 amendment which is before the Board tonight does not have a limit of 30 residents in it. He said that even
35 though they used the limit of 30 residents in their comments staff is not actually proposing such. He said
36 that the municipalities comments were early and very conservative comments therefore until they are fully
37 aware of what staff is proposing they do not know how their Commission will recommend or what their
38 Council will do. He asked the Board if anyone had any significant reservations about the property being
39 located in the AG-2 District.

40
41 Mr. Bluhm stated that the AG-2 Districts are supposedly the closest agricultural district to a municipality.

42
43 Mr. Hall stated that staff has written this text amendment as tightly as possible and if he could think of other

1 requirements was the City of Champaign. He said that he would appreciate it if the Board would let him
2 know if there is an important part of the ordinance was not been mentioned in Attachment A.

3
4 Mr. Schroeder asked Mr. Hall how many small wind turbines are proposed for Champaign County.

5
6 Mr. Hall stated that he believes that during staff's work on this amendment there was only one Zoning Use
7 Permit Application for a small wind turbine and the applicant had no problem complying with the
8 requirements. He reminded the Board that this amendment is for small wind only.

9
10 Mr. Schroeder stated that he just traveled from Peoria and he was surprised that he did not see any small
11 wind turbines in an area that has many hills. He said that currently as long as electricity is as cheap as it is he
12 does not see a big demand for something that is expensive and requires high maintenance.

13
14 Mr. Bluhm stated that when technology changes things get smaller.

15
16 Mr. Thorsland stated that perhaps as technology proceeds the ordinance could be revisited in regards to rotor
17 diameter.

18
19 Mr. Hall stated that there are only two counties which are concerned about rotor diameter and that were
20 Champaign and Macon counties.

21
22 Mr. Bluhm stated that he sees no reason why Attachment A should not be distributed.

23
24 **8. Other Business**

25
26 Mr. Bluhm asked if a special meeting on July 1st is necessary.

27
28 Mr. Hall stated that there is not need to have a special meeting on July 1st.

29
30 Mr. Thorsland asked if Case 657-V-09 will be completed soon.

31
32 Mr. Hall stated that staff has been informed that everything has been completed and one staff visit was
33 completed. He said that at the time of the staff visit it was discovered that not everything was quite complete
34 therefore a second visit is being planned around June 7th.

35
36 **9. Audience Participation with respect to matters other than cases pending before the Board**

37
38 None

39
40 **10. Adjournment**

41
42 The meeting adjourned at 8:40 p.m.

43

ZBA

DRAFT

SUBJECT TO APPROVAL

DRAFT

5/27/10

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Respectfully submitted

Secretary of Zoning Board of Appeals

CASE NO. 657-V-09

SUPPLEMENTAL MEMORANDUM

June 11, 2010

Champaign
County
Department of



Petitioners: **Larry & Diane
Lambright; and Scott Lambright**

Site Area: **approx. 27,000 feet**

Time Schedule for Development:
N/A

**Brookens
Administrative Center**
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

Prepared by: **J.R. Knight**
Associate Planner
John Hall
Zoning Administrator

Request: As amended on February 11, 2010, authorize the use of an existing two story detached accessory storage building with a second story deck with a side yard of nine feet in lieu of the required ten feet side yard for accessory structures in the AG-2 Agriculture zoning district, and an average height of 16 feet in lieu of the maximum allowed 15 feet average height for residential accessory structures on lots less than one acre in area in the AG-2 Agriculture Zoning District.

Location: **Lot 1 of Cook's Replat of Tract B of the K.D. Headlee Subdivision in Section 14 of Mahomet Township and commonly known as the house at 206B Lake of the Woods Road, Mahomet.**

STATUS

Staff inspected the subject property on June 7, 2010, and found that fill had been placed around the shed so that the average height was now no more than 15 feet and the deck had been reduced in depth to provide a side yard of 10 feet.

Based on the inspection the variance is no longer necessary, and the petitioners have withdrawn this case, and this memo has been prepared to complete the record of the case.

Although there is no further need for the variance case there are still a few minor violations related to the home occupation occurring on the subject property. However, even though these remaining violations are minor and staff anticipates correction soon, staff is nevertheless in the process of referring these violations to the State's Attorney. It is anticipated that the State's Attorney will dismiss the case upon correction of the violations.

Because the case has been withdrawn there can not be any further testimony at the meeting. However, the case may be discussed as a Staff Report.

CASE NO. 668-AT-10

PRELIMINARY MEMORANDUM

June 11, 2010

Petitioner: **Zoning Administrator**

Champaign
County
Department of



Brookens

Administrative Center

1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

Prepared by: **John Hall**
Zoning Administrator
J.R. Knight
Associate Planner

Request: **Amend the Champaign County Zoning Ordinance as follows:**

1. **In Section 3, add RESIDENTIAL RECOVERY CENTER as a defined term, and is generally a group living facility for residents who are receiving support and training to assist them in recovering from the effects of chemical and alcohol dependency.**
2. **In Section 4.2.1 C. authorize RESIDENTIAL RECOVERY CENTER as a second principal use on a lot with a church or temple in the AG-2 District.**
3. **In Section 5.2, add "RESIDENTIAL RECOVERY CENTER" to the Table of Authorized Principal Uses as a use allowed by-right in the R-4 Multiple Family Zoning District, and allowed by Special Use Permit only, subject to standard conditions, in the AG-2 Agriculture Zoning District, and indicate new footnotes.**
4. **In Section 5.2 add the new footnotes as follows:**
 - a. **Add a new footnote indicating RESIDENTIAL RECOVERY CENTER is only allowed as a Special Use Permit in AG-2 District when:**
 - (1) **Located within one-and-one-half miles of a home rule municipality with an adopted comprehensive plan; and**
 - (2) **Operated by a church or temple and located on the same property as the operating church or temple.**
 - b. **Add a new footnote indicating the maximum number of residents in a licensed RESIDENTIAL RECOVERY CENTER in the R-4 District is 16.**
5. **Add RESIDENTIAL RECOVERY CENTER to Section 6.1.3 with standard conditions of approval, including but not limited to:**
 - (1) **The property must be served by public transportation; and**
 - (2) **A limit of 25 residents in the AG-2 District; and**
 - (3) **Supervision by a responsible and qualified staff person, 24 hours per day, seven days per week.**

STATUS

This is the second meeting for this case. It was continued from the May 27, 2010, public hearing. Since the last meeting staff has prepared a Draft Finding of Fact, which is attached. Also attached is a letter from attorney Carl Webber, regarding the Lifeline Connect program at the Apostolic Church on North High Cross Road. Finally, a Revised Draft Proposed Ordinance with two changes is also included for the Board's consideration.

GOALS, OBJECTIVES, AND POLICIES WITHOUT CLEAR CONFORMANCE

The Draft Finding of Fact indicates the proposed amendment does not clearly achieve or conform to the following Goals, Objectives, and Policies:

- Objective 2.1 on pg. 5 of 21 relates to coordination with municipal ordinances. Staff hopes to have additional information available at the meeting.
- Policy 5.1.4 on pg. 12 of 21 relates to County approval of discretionary development outside the Continuous Urban Growth Area, but still inside the one and one-half miles extraterritorial municipal jurisdiction. Staff hopes to have additional information available at the meeting.
- Policy 5.2.2 on pg. 12 of 21 relates to conversion of best prime farmland by urban development. Staff hopes to have additional information available at the meeting.

R-4 AUTHORIZATION

There appears to be little that can be changed about the proposed by-right authorization of RESIDENTIAL RECOVERY CENTER in the R-4 District to make it more similar to Champaign's requirements for "Recovery Homes" other than to reduce the maximum number of residents that could be allowed from 16 to eight.

ATTACHMENTS

- A Letter from Carl Webber, received on June 7, 2010
 - B Revised Proposed Draft Amendment
 - C Draft Finding of Fact and Final Determination for Case 668-AT-10
-

WEBBER & THIES, P.C.

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June 4, 2010

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JUN 07 2010

CHAMPAIGN CO. P & Z DEPARTMENT

Mr. John Hall
Brookens Administrative Center
1776 E. Washington St.
Urbana, IL 61802

Dear John:

After taking some time to review what was discussed at Thursday night's meeting, I have come to several tentative conclusions on Lifeline-connect's potential expansion. I would appreciate your taking a moment to review them.

1. We agree that any expansion will be done in accordance with the Urbana city building code.
2. We have not yet concluded that we will require a Recovery Home license, though we expect that we will. Nonetheless, we will have as a minimum, the number of personnel described in Title 77, Chapter X, Subchapter d, Part 2060.509 of the Illinois Administrative Code. Part 2060.509 requires Recovery Homes to employ a full-time Recovery Home Operator and a Recovery Home Manager. At its current size, Lifeline-connect employs one full-time employee and two part-time employees, in addition to numerous volunteers. Post-expansion, it would likely add three to five more full-time employees, thus going beyond the requirements of the statute.

Additionally, we will fulfill all employee training and certification requirements found in Part 2060.509, should the Recovery Home license be required.

3. We have not yet determined whether a license is required. We will obtain a Recovery Home license if it is determined that it is required. If

regulations should change in the future, we will obtain any further licenses necessary to remain in good standing will all legal obligations.

4. We will submit to an architectural review of the premises' design to confirm that they conform to requirements
5. While we would much rather not have any extension of time, connecting the permit to the number of seats in the church is not a problem under this approach.
6. Allowing us to house a maximum of twenty-five residents would be beneficial for several reasons.

First, it would allow for a much more efficient use of administrative support. Due to the complicated nature of the procedures and documentation required (such as are found under part 2060 of the Illinois Administrative Code), it is much easier to provide the necessary support at a low cost when there are a greater number of residents. Such an increase would allow for an elimination of costly redundancies.

Second, allowing up to twenty-five residents would significantly increase Lifeline-connect's viability and importance to the extent that it would be much more able to retain and attract a director and staff. As stated previously, Lifeline-connect already intends to take on more staff along with more residents. Further, while it is true that we are currently fortunate enough to have volunteer director who works free of charge, it would be a mistake to assume that we will be able to avail ourselves of such an opportunity in the long-term. The ability to pay a full-time director is something that Lifeline-connect sincerely needs and does not currently possess. If we are allowed to expand to twenty-five, that would change.

Third, the quality of services provided by Lifeline would be improved with an increase in size. While this might initially seem counter-intuitive, it is important to consider just how crucial peer assistance is to the recovery process. The staff at Lifeline-connect does a fantastic job, but their work would be impossible without the contributions made by residents advanced in the program to assist those just starting out. Further, the more advanced residents benefit greatly from these relationships as well, as they help them to reflect on where they have come from and acknowledge the responsibility they have to help others. With increased numbers, these relationships, so vital to our residents' successes, would grow both in quantity and in quality. The more people we have, the more likely it is that our residents can find that one person there who makes the difference and puts them on the road to wellness.

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JUN 07 2010

CHAMPAIGN CO. P. & Z DEPARTMENT

Finally, and most importantly, increasing the maximum number of residents simply allows us to help more people. The only reason Lifeline-connect exists, and the only reason we do what we do, is to help people with what is likely to be the most difficult struggle of their entire lives. The more people we are able to allow into our program while maintaining a high quality of care (and, recall, that increased numbers should actually *improve* our quality of our care), the more people can be helped and the more lives can be saved. With every success story that comes out of Lifeline-connect, another group of people get their father, son, brother, or friend back. Returning these people to the life they should be leading is our singular goal, and we would like to do it as much as we possibly can.

7. Lifeline-connect's expansion will be conducted with the well-established factors first enunciated in *La Salle National Bank of Chicago v. Cook County* in mind. The factors, used by Illinois courts to determine the validity of zoning ordinances, are:
 - a. the existing uses and zoning of nearby property;
 - b. the extent to which property values are diminished by the particular zoning restrictions;
 - c. the extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, or general welfare of the public;
 - d. the relative gain to the public as compared to the hardship imposed on the individual property owner;
 - e. the suitability of the property for the zoned purpose; and
 - f. the length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.

None of these six factors preclude us from designing and constructing an expansion in such a manner that would fully satisfy *La Salle*.

8. It is important to note that AG-2 does not seem to focus on residential uses. Granted, dwellings are permitted by right; however, the range and number of special uses indicates the broad spectrum of goals for AG-2.

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CHAMPAIGN CO. P & Z DEPARTMENT

Many of the special uses allowed in AG-2 are not allowed in any of the residential zones. This certainly seems to confirm that AG-2 does not focus on single family residential uses.

Very truly yours,

Webber & Thies, P.C.

Carl M. Webber

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JUN 07 2010

CHAMPAIGN CO. P & Z DEPARTMENT

1. In Section 3, add RESIDENTIAL RECOVERY CENTER as a defined term, as follows:

RESIDENTIAL RECOVERY CENTER: A living facility in which occupants live as a single, cooperative housekeeping unit while receiving support and training to assist them in recovering from the effects of chemical and alcohol dependency.

2. Amend Subparagraph 4.2.1 C., as follows:

(Underline indicates text to be added to the existing Zoning Ordinance.)

- C. It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS except as follows:
1. Mortuary or funeral home may be authorized as a Special Use Permit in the AG-2, Agriculture Zoning DISTRICT, when it is on a lot under common management with a cemetery.
 2. RESIDENTIAL RECOVERY CENTER may be authorized as a Special Use Permit in the AG-2 Agriculture Zoning DISTRICT in accordance with Section 5.2.

3. In Section 5.2, add RESIDENTIAL RECOVERY CENTER to the Table of Authorized Principal Uses as a use allowed by-right in the R-4 Multiple Family Zoning District, and allowed by Special Use Permit subject to standard conditions only in the AG-2 Agriculture Zoning District and indicate two new footnotes, as follows:

Principal USES	Zoning DISTRICTS										Zoning DISTRICTS					
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2	
Residential Uses																
RESIDENTIAL RECOVERY CENTER			S ¹⁸				19									

4. In Section 5.2 add the two new footnotes, as follows:

(Double underline indicates proposed alternative text. Double-strikeout indicates text proposed to be removed.)

18. RESIDENTIAL RECOVERY CENTER is only allowed as a Special Use in the AG-2 DISTRICT when:
 - (a) Located within one and one-half miles of a home-rule municipality with an adopted comprehensive plan; and
 - (b) Operated by and located on the same property as a church or temple that occupies a building which predominately existed on October 10, 1973 ~~and located on the same property as the operating church or temple.~~
19. A RESIDENTIAL RECOVERY CENTER located in the R-4 District shall have a limit of 16 occupants.

5. Add RESIDENTIAL RECOVERY CENTER to Section 6.1.3 with standard conditions of approval, as follows:

(Double underline indicates proposed alternative text. ~~Double strikeout~~ indicates text proposed to be removed. Underline indicates text that has been added since the May 21, 2010, Draft Proposed Amendment.)

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions	
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR		
						MAJOR	COLLECTOR	MINOR				
	(1)	See #4. below	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
RESIDENTIAL RECOVERY CENTER in the AG-2 DISTRICT in accordance with Section 5.2		<ol style="list-style-type: none"> 1. The property must be served by public transportation. 2. The maximum number of residents allowed at one time shall be 25 <u>no more than 10% of the maximum occupancy of the main worship area of the associated church or temple.</u> 3. A responsible and qualified staff person must be onsite to provide supervision 24 hours per day, seven days per week. 4. A minimum lot area of: <ol style="list-style-type: none"> (a) 20,000 square feet if served by a connected PUBLIC SANITARY SEWER SYSTEM; or (b) 30,000 square feet plus 7,000 square feet per resident if not served by a connected PUBLIC SANITARY SEWER SYSTEM. 5. Compliance with relevant life safety regulations based on the number of residents, as follows: <ol style="list-style-type: none"> (a) For a RESIDENTIAL RECOVERY CENTER with less than 16 residents the relevant regulation shall be the <i>Illinois State Fire Marshal Policies, Procedures, and Code Requirements Applicable to Small Residential Board and Care Occupancies including Community Integrated Living Arrangements (CILA's)</i>; or (b) For a RESIDENTIAL RECOVERY CENTER with 16 or more residents the relevant regulation shall be the <i>National Fire Protection Association "Life Safety Code" 2000 edition</i> 6. <u>No person may occupy a RESIDENTIAL RECOVERY CENTER until a qualified inspector files a certification that the building complies with the 2006 or later editions of the International Building Code.</u> 7. All onsite food service shall be compliant with the Champaign County Health Ordinance. 8. <u>The RESIDENTIAL RECOVERY CENTER must be operated in conformance with the <i>Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/)</i> including obtaining any required license.</u> 										

PRELIMINARY DRAFT

668-AT-10

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: ***{RECOMMEND ENACTMENT / RECOMMEND DENIAL}***

Date: June 17, 2010

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

1. In Section 3, add RESIDENTIAL RECOVERY CENTER as a defined term, and is generally a group living facility for residents who are receiving support and training to assist them in recovering from the effects of chemical and alcohol dependency.
 2. In Section 4.2.1 C. authorize RESIDENTIAL RECOVERY CENTER as a second principal use on a lot with a church or temple in the AG-2 District.
 3. In Section 5.2, add "RESIDENTIAL RECOVERY CENTER" to the Table of Authorized Principal Uses as a use allowed by-right in the R-4 Multiple Family Zoning District, and allowed by Special Use Permit only, subject to standard conditions, in the AG-2 Agriculture Zoning District, and indicate new footnotes.
 4. In Section 5.2 add the new footnotes as follows:
 - a. Add a new footnote indicating RESIDENTIAL RECOVERY CENTER is only allowed as a Special Use Permit in AG-2 District when:
 - (1) Located within one-and-one-half miles of a home rule municipality with an adopted comprehensive plan; and
 - (2) Operated by a church or temple and located on the same property as the operating church or temple.
 - b. Add a new footnote indicating the maximum number of residents in a licensed RESIDENTIAL RECOVERY CENTER in the R-4 District is 16.
 5. Add RESIDENTIAL RECOVERY CENTER to Section 6.1.3 with standard conditions of approval, including but not limited to:
 - (1) The property must be served by public transportation; and
 - (2) A limit of 25 residents in the AG-2 District; and
 - (3) Supervision by a responsible and qualified staff person, 24 hours per day, seven days per week.
-

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 27, 2010**, and **June 17, 2010**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The need for the amendment came about as follows:
 - A. The Apostolic Church at 2107 High Cross Road, Urbana, has been operating a small, eight person recovery program (the Lifeline Connect Ministry) since the fall of 2007 as an unauthorized use in the AG-2 District.
 - B. The recovery program is not currently an allowed use in the Zoning Ordinance, and the church now wishes to expand the program and is seeking County approval.
 - C. The Champaign County Board Committee of the Whole authorized this text amendment at their meeting on May 4, 2010.
 - D. The proposed amendment will add “Residential Recovery Center” as a defined term to the Zoning Ordinance and as a use in Section 5.2 Table of Authorized Principal Uses. The use will only be authorized by-right in the R-4 Multiple Family Residence District and only by Special Use Permit in AG-2 Agriculture District.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

GENERALLY REGARDING THE EXISTING ZONING REGULATIONS

4. There are no existing regulations regarding “Residential Recovery Centers” in the Zoning Ordinance. However, churches and temples are authorized by Special Use Permit only in the AG-2 District.

SUMMARY OF THE PROPOSED AMENDMENT

5. The proposed amendment is summarized here as it will appear in the Zoning Ordinance, as follows (Underline and ~~strikeout~~ text indicate changes from the current Ordinance):

- A. In Section 3, add RESIDENTIAL RECOVERY CENTER as a defined term, as follows:

RESIDENTIAL RECOVERY CENTER: A living facility in which occupants live as a single, cooperative housekeeping unit while receiving support and training to assist them in recovering from the effects of chemical and alcohol dependency.

- B. Amend Subparagraph 4.2.1 C., as follows:

It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture,



AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS except as follows:

1. Mortuary or funeral home may be authorized as a Special Use Permit in the AG-2, Agriculture Zoning DISTRICT, when it is on a lot under common management with a cemetery.
 2. RESIDENTIAL RECOVERY CENTER may be authorized as a Special Use Permit in the AG-2 Agriculture Zoning DISTRICT in accordance with Section 5.2.
- C. In Section 5.2, add RESIDENTIAL RECOVERY CENTER to the Table of Authorized Principal Uses as a use allowed by-right in the R-4 Multiple Family Zoning District, and allowed by Special Use Permit subject to standard conditions only in the AG-2 Agriculture Zoning District and indicate two new footnotes.
- D. In Section 5.2 add the two new footnotes, as follows:
18. RESIDENTIAL RECOVERY CENTER is only allowed as a Special Use in the AG-2 DISTRICT when:
 - (a) Located within one and one-half miles of a home-rule municipality with an adopted comprehensive plan; and
 - (b) Operated by and located on the same property as a church or temple that occupies a building which predominately existed on October 10, 1973.
 19. A RESIDENTIAL RECOVERY CENTER located in the R-4 District shall have a limit of 16 occupants.
- E. Add RESIDENTIAL RECOVERY CENTER to Section 6.1.3 with standard conditions of approval, as follows:
- (1) The property must be served by public transportation.
 - (2) The maximum number of residents allowed at one time shall be no more than 10% of the maximum occupancy of the main worship area of the associated church or temple.
 - (3) A responsible and qualified staff person must be onsite to provide supervision 24 hours per day, seven days per week.
 - (4) A minimum lot area of:
 - (a) 20,000 square feet if served by a connected PUBLIC SANITARY SEWER SYSTEM; or
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- (b) 30,000 square feet plus 7,000 square feet per resident if not served by a connected PUBLIC SANITARY SEWER SYSTEM.
- (5) Compliance with relevant life safety regulations based on the number of residents, as follows:
 - (a) For a RESIDENTIAL RECOVERY CENTER with less than 16 residents the relevant regulation shall be the *Illinois State Fire Marshal Policies, Procedures, and Code Requirements Applicable to Small Residential Board and Care Occupancies including Community Integrated Living Arrangements (CILA's)*; or
 - (b) For a RESIDENTIAL RECOVERY CENTER with 16 or more residents the relevant regulation shall be the *National Fire Protection Association "Life Safety Code"* 2000 edition
- (6) No person may occupy a RESIDENTIAL RECOVERY CENTER until a qualified inspector files a certification that the building complies with the 2006 or later editions of the International Building Code.
- (7) All onsite food service shall be compliant with the Champaign County Health Ordinance.
- (8) The RESIDENTIAL RECOVERY CENTER must be operated in conformance with the Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/) including obtaining any required license.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

- 6. The *Champaign County Land Resource Management Plan (LRMP)* was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
 - B. The LRMP defines Goals, Objectives, and Polices as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
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- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”
- D. LRMP Objective 1.1 is entitled “Guidance on Land Resource Management Decisions”, and states, “Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.”
- E. Goal 1 of the LRMP is relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions (see Item 6.D. above), but is otherwise not relevant to the proposed amendment. The Goals for Prosperity (Goal 3), Natural Resources (Goal 8), Energy Conservation (Goal 9), and Cultural Amenities (Goal 10) and their subsidiary Objectives and Policies also do not appear to be relevant to the proposed amendment.

REGARDING LRMP GOAL 2 GOVERNMENTAL COORDINATION

- 7. LRMP Goal 2 is entitled “Governmental Coordination” and is relevant to the proposed amendment because the proposed amendment will affect areas of overlapping planning jurisdiction. Goal 2 states, “Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.”

The proposed amendment *{ACHIEVES}* Goal 2 because of the following:

- (1) Goal 2 includes two subsidiary Objectives. Objective 2.2 does not appear to be relevant to the proposed amendment.
- (2) Objective 2.1 is entitled “Local and Regional Coordination,” and states, “Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.”

The proposed amendment *{ACHIEVES/DOES NOT ACHIEVE}* Objective 2.1 because of the following:

- (a) Objective 2.1 includes three subsidiary Policies. None of the Policies appear to be relevant to the proposed amendment.
- (b) See the staff review of municipal ordinances under Item 12.

REGARDING LRMP GOAL 4 AGRICULTURE

- 8. LRMP Goal 4 is entitled “Agriculture” and is relevant to the proposed amendment because the proposed amendment will allow RESIDENTIAL RECOVERY CENTER in the AG-2 District, under certain conditions. Goal 4 states, “Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.”
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The proposed amendment *{ACHIEVES}* Goal 4 because of the following:

- A. Goal 4 includes nine subsidiary Objectives. Objectives 4.4, 4.5, 4.6, 4.7, 4.8, and 4.9, and their subsidiary policies do not appear to be relevant to the proposed amendment.
- B. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states, “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

The proposed amendment *{ACHIEVES}* Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed amendment.
- (2) Policy 4.1.1 states, “Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”

The proposed amendment *{CONFORMS}* to Policy 4.1.1 because the proposed amendment restricts the location of a RESIDENTIAL RECOVERY CENTER in the AG-2 District to within one and one-half mile of a home rule municipality with an adopted comprehensive plan and only when co-located and operated by a church or temple, and also requires a Special Use Permit (discretionary review development) with standard conditions that also serve to restrict the conditions under which a RESIDENTIAL RECOVERY CENTER should be allowed.

- (3) Policy 4.1.6 is as follows:

Provided that the use, design, site and location are consistent with County policies regarding:

- i. Suitability of the site for the proposed use;
- ii. Adequacy of infrastructure and public services for the proposed use;
- iii. Minimizing conflict with agriculture;
- iv. Minimizing the conversion of farmland; and
- v. Minimizing the disturbance of natural areas; then
 - a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or

- b) On best prime farmland, the County may authorize non-residential discretionary development; or
- c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.

The proposed amendment *{CONFORMS}* to Policy 4.1.6 because a RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development.

- (4) Policy 4.1.8 states, “The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.”

The proposed amendment *{CONFORMS}* to Policy 4.1.8 because it authorizes RESIDENTIAL RECOVERY CENTERS in the AG-2 District by Special Use Permit (discretionary review development) only.

- C. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each discretionary review development will not interfere with agricultural operations.”

The proposed amendment *{ACHIEVES}* Objective 4.2 because of the following:

- (1) Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential discretionary review development in a rural area if the proposed development supports agriculture or involves a product or service that is provided better in a rural area than in an urban area.”

The proposed amendment *{CONFORMS}* to Policy 4.2.1 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of reviewing Goal 4 for conformance with the Objectives and Policies.
 - (b) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by a special use permit and only when co-located with a church or temple which itself also requires a special use permit in the AG-2 District.
 - (c) Any church or temple that existed in the AG-2 District on August 20, 2002, is legally non-conforming with respect to the need for a special use permit. Furthermore, any church or temple that existed in the AG-2 District on August 20, 2002, is by definition provided better in the rural area than an urban area and conforms to policy 4.2.1.
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- (d) The Ordinance should be amended to make it clear that any new Special Use Permit (including a church or temple) in the AG-2 District will have to conform to Policy 4.2.1 or to prohibit new churches or temples in the AG-2 District.
 - (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple. Therefore, if a new church or temple is found to conform to Policy 4.2.1 a RESIDENTIAL RECOVERY CENTER should also conform.
- (2) Policy 4.2.2 is, as follows:

The County may authorize discretionary review development in a rural area if the proposed development:

- a. Is a type that does not negatively affect agricultural activities; or
- b. Is located and designed to minimize exposure to any negative effect caused by agricultural activities; and
- c. Will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.

The proposed amendment *{CONFORMS}* to Policy 4.2.2 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of reviewing Goal 4 for conformance with the Objectives and Policies.
 - (b) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by a special use permit and only when co-located with a church or temple which itself also requires a special use permit in the AG-2 District.
 - (c) Any church or temple that existed in the AG-2 District on August 20, 2002, is legally non-conforming with respect to the need for a special use permit. Furthermore, any church or temple that existed in the AG-2 District on August 20, 2002, is by definition provided better in the rural area than an urban area and conforms to policy 4.2.2.
 - (d) The Ordinance should be amended to make it clear that any new Special Use Permit (including a church or temple) in the AG-2 District will have to conform to Policy 4.2.2 or to prohibit new churches or temples in the AG-2 District.
 - (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY
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CENTER in the AG-2 District is always a minor use compared to the church or temple. Therefore, if a new church or temple is found to conform to Policy 4.2.2 a RESIDENTIAL RECOVERY CENTER should also conform.

- (3) Policy 4.2.3 does not appear to be relevant to the proposed amendment.
- (4) Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”

The proposed amendment *{CONFORMS}* to Policy 4.2.4 because whether a buffer is necessary can be considered in the Special Use Permit determination.

- D. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states, “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed amendment *{ACHIEVES}* Objective 4.3 because of the following:

- (1) Policy 4.3.1 states, “On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use.”

The proposed amendment *{CONFORMS}* to Policy 4.3.1 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of reviewing Goal 4 for conformance with the Objectives and Policies.
 - (b) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by a special use permit and only when co-located with a church or temple which itself also requires a special use permit in the AG-2 District.
 - (c) The Ordinance should probably be amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.1.
 - (d) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.1. the Zoning Board of Appeals (ZBA) can include the consideration of site suitability under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”
 - (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship
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area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple. Therefore, if a new church or temple is found to conform to Policy 4.3.1 a RESIDENTIAL RECOVERY CENTER should also conform.

- (2) Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”

The proposed amendment *{CONFORMS}* to Policy 4.3.2 because a RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary review development.

- (3) Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”

The proposed amendment *{CONFORMS}* to Policy 4.3.3 because a RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development and the proposed amendment includes standard conditions that require the use to be served by public transportation.

- (4) Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”

The proposed amendment *{CONFORMS}* to Policy 4.3.4 because a RESIDENTIAL RECOVERY CENTER must have adequate lot area for an adequate septic system if it is not connected to a public sanitary sewer system.

- (5) Policy 4.3.5 is as follows:

On best prime farmland, the County will authorize a business or other non-residential use only if:

- a. It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. The use is otherwise appropriate in a rural area and the site is very well suited to it.”

The proposed amendment *{CONFORMS}* to Policy 4.3.5 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of Goal 4.
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- (b) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by a special use permit and only when co-located with a church or temple which itself also requires a special use permit in the AG-2 District.
- (c) Any church or temple that existed in the AG-2 District on August 20, 2002, is legally non-conforming with respect to the need for a special use permit. Furthermore, any church or temple that existed in the AG-2 District on August 20, 2002, is by definition appropriate in the rural area than an urban area and conforms to policy 4.3.5.
- (d) The Ordinance may one day be amended to be more restrictive regarding new churches in the rural districts. Until that time the Zoning Board of Appeals (ZBA) should consider a church or temple appropriate in a rural location and evaluate suitability under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”
- (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple. Therefore, if a new church or temple is found to conform to Policy 4.3.5 a RESIDENTIAL RECOVERY CENTER should also conform.

REGARDING LRMP GOAL 5 URBAN LAND USE

- 9. LRMP Goal 5 is entitled “Urban Land Use” and is relevant to the proposed amendment because it will allow “Residential Recovery Homes” in the R-4 District. Goal 5 states, “Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.”

The proposed amendment *{ACHIEVES}* Goal 5 because of the following:

- A. Objective 5.1 is entitled “Population Growth and Economic Development” and states “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers.”

The proposed amendment *{ACHIEVES}* Objective 5.1 because of the following:

- (1) Objective 5.1 includes nine subsidiary policies. Policies 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.8, and 5.1.9 do not appear to be relevant to the proposed amendment.
- (2) Policy 5.1.4 is as follows:



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The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be well-suited overall for the development if on best prime farmland or the site is suited overall, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

The proposed amendment **{CONFORMS/DOES NOT CONFORM}** to Policy 5.1.4 because of the following:

{Further information will be available at the meeting.}

- B. Objective 5.2 is entitled, “Natural Resources Stewardship” and states, “When new urban development is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.”

The proposed amendment **{ACHIEVES}** Objective 5.2 because of the following:

- (1) Objective 5.2 includes three subsidiary policies. Policies 5.2.1 and 5.2.3 do not appear to be relevant to the proposed amendment.

- (2) Policy 5.2.2 is as follows:

The County will:

- a. ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland.

The proposed amendment **{CONFORMS/DOES NOT CONFORM}** to Policy 5.2.2 because of the following:

{Further information will be available at the meeting.}

- C. Objective 5.3 is entitled “Adequate Public Infrastructure and Services” and states, “Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and public services are provided.”

The proposed amendment **{ACHIEVES}** Objective 5.3 because of the following:

- (1) Policy 5.3.1 is as follows:
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The County will:

- a. require that proposed new urban development in unincorporated areas is sufficiently served by available public services and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new urban development is sufficiently served by available public services and without undue public expense.”

The proposed amendment *{CONFORMS}* to Policy 5.3.1 because the proposed amendment includes a standard condition that requires a RESIDENTIAL RECOVERY CENTER to be served by public transportation.

- (2) Policy 5.3.2 is as follows:

The County will:

- a. require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.

The proposed amendment *{CONFORMS}* to Policy 5.3.2 because a RESIDENTIAL RECOVERY CENTER must have adequate lot area for an adequate septic system if it is not connected to a public sanitary sewer system.

- (3) Policy 5.3.3 does not appear to be relevant to the proposed amendment.

REGARDING LRMP GOAL 6 PUBLIC HEALTH AND SAFETY

10. LRMP Goal 6 is entitled “Public Health and Public Safety” and is relevant to the proposed amendment. Goal 6 states, “Champaign County will ensure protection of the public health and public safety in land resource management decisions.”

The proposed amendment *{ACHIEVES}* Goal 6 because of the following:

- A. Goal 6 includes four subsidiary Objectives. Objectives 6.3 and 6.4 do not appear to be relevant to the proposed amendment.
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- B. Objective 6.1 is entitled “Protect Public Health and Safety” and states, “Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”

The proposed amendment *{ACHIEVES}* Objective 6.1 because of the following:

- (1) Policy 6.1.1 states, “The County will establish minimum lot location and dimension requirements for all new rural residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

The proposed amendment *{CONFORMS}* to Policy 6.1.1 because the proposed amendment includes a standard condition requiring adequate area for an onsite wastewater and septic system.

- (2) Policy 6.1.2 states, “The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.”

The proposed amendment *{CONFORMS}* to Policy 6.1.1 because the proposed amendment includes a standard condition requiring adequate area for an onsite wastewater and septic system.

- (3) Policy 6.1.3 states, “The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.”

The proposed amendment *{CONFORMS}* to Policy 6.1.1 because the Zoning Ordinance includes a standard condition restricting the type of lighting a Special Use Permit may use.

- (4) Policy 6.1.4 does not appear to be relevant to the proposed amendment.

- C. Objective 6.2 is entitled “Public Assembly Land Uses” and states, “Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.”

The proposed amendment *{ACHIEVES}* Objective 6.2 because of the following:

- (1) Objective 6.2 includes three subsidiary policies. Policies 6.2.2 and 6.2.3 do not appear to be relevant to the proposed amendment.
- (2) Policy 6.2.1 states, “The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.
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The proposed amendment *{CONFORMS}* to Policy 6.2.1 because the proposed amendment includes a standard condition requiring conformance with relevant life safety codes.

REGARDING LRMP GOAL 7 TRANSPORTATION

11. LRMP Goal 7 is entitled “Transportation” and is relevant to the proposed amendment because . Goal 7 states, “Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.”

The proposed amendment *{ACHIEVES}* Goal 7 because of the following:

- A. Goal 7 includes two subsidiary Objectives. Objective 7.2 does not appear to be relevant to the proposed amendment.
- B. Objective 7.1 is entitled “Traffic Impact Analyses” and states, “Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.”

The proposed amendment *{ACHIEVES}* Objective 7.1 because of the following:

- (1) Policy 7.1.1 states, “The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.”

The proposed amendment *{CONFORMS}* to Policy 7.1.1 because a RESIDENTIAL RECOVERY CENTER is a discretionary review development and the County can request a Traffic Impact Analysis as part of the review, but the limit on the number of occupants is so low that there should be no traffic impact.

REGARDING OTHER RELEVANT CONSIDERATIONS

12. Regarding the coordination of land resource management planning which is relevant to Objective 2.1 of the LRMP:
- A. The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by a special use permit and only when (a) co-located with a church or temple which itself also requires a special use permit in the AG-2 District and (b) located within one and one-half miles of a home-rule municipality with an adopted comprehensive plan. The cities of Champaign and Urbana are the only home-rule municipalities in Champaign County and thus the only relevant municipalities for this portion of the proposed amendment.
- B. The proposed RESIDENTIAL RECOVERY CENTER is arguably most similar to “recovery home” in the City of Champaign Zoning Ordinance although it could also be compared to a “community living facility” (*further information will be available at the meeting*). The following is a brief review of the City of Champaign requirements for “recovery home” and a brief comparison to the proposed authorization of a RESIDENTIAL RECOVERY CENTER in the AG-2 District only by a special use permit and only when co-located with a church or temple which itself also requires a special use permit in the AG-2 District:
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- (1) The City of Champaign Zoning Ordinance definition and regulatory requirements for a “recovery home” can be summarized as follows:
 - (a) The City of Champaign Zoning Ordinance defines “recovery home” as “...a dwelling unit operated for the purpose of promoting the joint rehabilitation of its occupants from alcohol or drug addiction.” and is limited to no more than 8 occupants and 2 live-in staff. There are also certain limits regarding the conviction and or sentencing of the occupants.
 - (b) It is not clear whether every use that is authorized as a “recovery home” in the City of Champaign but not marketed as a recovery homes has to be licensed by the State of Illinois pursuant to the Alcoholism and Other Drug Abuse and Dependency Act (20ILCS301). However, the State of Illinois does require all “recovery homes” to be licensed and to have 24/7 supervision by qualified professionals.
 - (c) Recovery home is authorized by right in many districts including the SF1 District which is what land in the County’s AG-2 District is classified upon annexation if no other designation is requested.
 - (d) Sec. 37-50 par. c of the City’s Zoning Ordinance requires that in the SF1 District there can be only one (1) principal use per lot, provided that two (2) or more institutional uses affiliated with one (1) another may be located on a single lot. It is not clear whether a recovery home operated by a church at the same location would be considered a second institutional use.
 - (e) All construction in the City of Champaign must comply with the adopted building code which at the present time is the 2006 edition of the International Building Code.
 - (2) A comparison of the City of Champaign “recovery home” to the proposed RESIDENTIAL RECOVERY CENTER in the AG-2 District authorized by a special use permit and only when co-located with a church or temple, can be summarized as follows:
 - (a) Recovery home is limited to only about 1/3 as many occupants as proposed for a RESIDENTIAL RECOVERY CENTER authorized by special use permit in the AG-2 district.
 - (b) Recovery home is allowed by right but a RESIDENTIAL RECOVERY CENTER in the AG-2 District is only proposed to be authorized by special use permit. Municipalities are invited to provide comments in public hearings for special use permits within 1.5 miles of the municipality. The ZBA can also impose special conditions of approval on special use permits. It is not clear that the ZBA could deny a special use permit for a RESIDENTIAL RECOVERY CENTER based simply on opposition from the municipality.
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- (c) A use authorized as a recovery home may not necessarily have 24/7 supervision by a qualified professional but such supervision is proposed as a standard condition for a RESIDENTIAL RECOVERY CENTER in the AG-2 District authorized only by special use permit and only when operated by a church at the same location.
 - (d) A recovery home is a stand alone facility that may or may not resemble a large dwelling and which generates its own vehicular traffic. A standard condition has been included to limit the number of occupants in a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum occupancy of the main worship area. Limiting the size in this way should ensure that the RESIDENTIAL RECOVERY CENTER is nearly indistinguishable from the rest of the church or temple.
 - (e) A standard condition has been included in the proposed amendment that will require new construction for a RESIDENTIAL RECOVERY CENTER authorized by a special use permit in the AG-2 District (and co-located with a church or temple) to be constructed to the same building code as adopted by the relevant municipality
 - (f) The proposed amendment includes a requirement that the church or temple must occupy a building which predominately existed on October 10, 1973. Such a requirement will eliminate most known churches in the AG-2 District from being eligible to develop a RESIDENTIAL RECOVERY CENTER. *{Note: Staff hopes to have a list of such churches available at the meeting.}*
- C. The proposed RESIDENTIAL RECOVERY CENTER is arguably most similar to “home for adjustment” in the City of Urbana Zoning Ordinance although it could also be compared to a “community living facility” (*further information will be available at the meeting*). The following is a brief review of the City of Urbana requirements for a “home for adjustment” and a brief comparison to the proposed authorization of a RESIDENTIAL RECOVERY CENTER in the AG-2 District only by a special use permit and only when co-located with a church or temple which itself also requires a special use permit in the AG-2 District:
- (1) The City of Urbana Zoning Ordinance definition and regulatory requirements for a “home for adjustment” can be summarized as follows:
 - (a) The City of Urbana Zoning Ordinance defines “home for adjustment” as similar to a halfway house or rehabilitation center or crisis center and as “...a dwelling in which persons live while receiving therapy and counseling to assist them in recovering from the effects of chemical or alcohol dependency” and as an emergency shelter.
 - (b) There are no specific limits on number of occupants or requirements for staffing.
 - (c) There are no limits regarding the conviction and or sentencing of the occupants.
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PRELIMINARY DRAFT

- (d) There is no reason to expect that a home for adjustment would necessarily have to be licensed by the State of Illinois pursuant to the Alcoholism and Other Drug Abuse and Dependency Act (20ILCS301).
 - (e) A standard condition has been included in the proposed amendment that will require a RESIDENTIAL RECOVERY CENTER authorized by a special use permit in the AG-2 District (and co-located with a church or temple) to also be served by public transportation. *{Note: Staff hopes to have a list of relevant churches available at the meeting.}*
 - (f) The proposed amendment includes a requirement that the church or temple must occupy a building which predominately existed on October 10, 1973. Such a requirement will eliminate most known churches in the AG-2 District from being eligible to develop a RESIDENTIAL RECOVERY CENTER. *{Note: Staff hopes to have a list of relevant churches available at the meeting.}*
 - (g) A standard condition has been included in the proposed amendment that will require new construction for a RESIDENTIAL RECOVERY CENTER authorized by a special use permit in the AG-2 District (and co-located with a church or temple) to be constructed to the same building code as adopted by the relevant municipality.
 - (h) The net effect of all requirements and standard conditions proposed for a RESIDENTIAL RECOVERY CENTER should be to eliminate most known churches in the AG-2 District within one and one half miles of the City of Champaign from being eligible to develop a RESIDENTIAL RECOVERY CENTER. One relatively small church may be eligible to develop a RESIDENTIAL RECOVERY CENTER. *{Note: Staff hopes to have a list of relevant churches available at the meeting.}*
- (2) A comparison of the City of Urbana “home for adjustment” to the proposed RESIDENTIAL RECOVERY CENTER in the AG-2 District authorized by a special use permit and only when co-located with a church or temple to can be summarized as follows:
- (a) Home for adjustment is not allowed in Urbana’s AG zoning district which is comparable to the AG-2 District in which a RESIDENTIAL RECOVERY CENTER is proposed to be authorized by special use permit. Note that “church, temple, or mosque” is authorized by special use permit in the City’s AG District which is the same authorization as required for church or temple (or mosque) in the County’s AG-2 District. Municipalities are invited to provide comments in public hearings for special use permits within 1.5 miles of the municipality. The ZBA can also impose special conditions of approval on special use permits. It is not clear that the ZBA could deny a special use permit for a RESIDENTIAL RECOVERY CENTER based simply on opposition from the municipality.
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- (b) Because there are no specific limits on the number of occupants for a home for adjustment (other than it must comply with the limit on occupancy as regulated by the building code) it is difficult to compare to the maximum of 25 occupants proposed for a RESIDENTIAL RECOVERY CENTER authorized by special use permit in the AG-2 district.
 - (c) A use authorized as a home for adjustment will not necessarily have 24/7 supervision by a qualified professional but such supervision is proposed as a standard condition for a RESIDENTIAL RECOVERY CENTER in the AG-2 District authorized only by special use permit and only when operated by a church at the same location.
 - (d) A home for adjustment is a stand alone facility that may or may not resemble a large dwelling and which generates its own vehicular traffic. A standard condition has been included to limit the number of occupants in a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum occupancy of the main worship area. Limiting the size in this way should ensure that the RESIDENTIAL RECOVERY CENTER is nearly indistinguishable from the rest of the church or temple.
 - (e) A standard condition has been included in the proposed amendment that will require a RESIDENTIAL RECOVERY CENTER authorized by a special use permit in the AG-2 District (and co-located with a church or temple) to also be served by public transportation. *{Note: Staff hopes to have a list of relevant churches available at the meeting.}*
 - (f) The proposed amendment includes a requirement that the church or temple must occupy a building which predominately existed on October 10, 1973. Such a requirement will eliminate most known churches in the AG-2 District from being eligible to develop a RESIDENTIAL RECOVERY CENTER. *{Note: Staff hopes to have a list of such churches available at the meeting.}*
 - (g) A standard condition has been included in the proposed amendment that will require new construction for a RESIDENTIAL RECOVERY CENTER authorized by a special use permit in the AG-2 District (and co-located with a church or temple) to be constructed to the same building code as adopted by the relevant municipality.
 - (h) The net effect of all requirements and standard conditions proposed for a RESIDENTIAL RECOVERY CENTER should be to eliminate most known churches in the AG-2 District within one and one half miles of the City of Urbana from being eligible to develop a RESIDENTIAL RECOVERY CENTER. One church will be eligible to develop a RESIDENTIAL RECOVERY CENTER. *{Note: Staff hopes to have a list of relevant churches available at the meeting.}*
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DOCUMENTS OF RECORD

1. Memo to Champaign County Board Committee of the Whole regarding Zoning Ordinance text amendment for "Residential Recovery Center," dated April 23, 2010
2. Application for Text Amendment from Zoning Administrator, dated March 11, 2010
3. Preliminary Memorandum for Case 668-AT-10, dated May 21, 2010, with attachments:
 - A Memo to Champaign County Board Committee of the Whole regarding Zoning Ordinance text amendment for "Residential Recovery Center"
 - B Tables Summarizing Zoning Requirements for Similar Use in Champaign and Urbana
 - C Table 3. Comparison of Proposed County Ordinance with Existing Municipal Requirements
 - D Various Excerpts from 77 Ill. Admin. Code Part 2060
 - E Proposed Draft Amendment
 - F Goals, Objectives, and Policies of the Champaign County Land Resource Management Plan (included separately)
4. Supplemental Memorandum for Case 668-AT-10, dated May 27, 2010, with attachments:
 - A Letter from Rob Kowalski, Assistant Planning Director, City of Champaign, received on May 26, 2010
 - B Email from Robert Myers, Planning Manager, City of Urbana, received May 27, 2010
 - C Relevant Definitions from Champaign and Urbana Zoning Ordinances
 - D Revised Table 3. Comparison of Proposed County Ordinance with Existing Municipal Requirements
 - E Excerpt from the Community Living Facilities Act (210 ILCS 35/)
 - F Excerpt from the Community Living Facilities Code (77 Ill. Admin. Code 370)
5. Supplemental Memorandum for Case 668-AT-10, dated June 11, 2010, with attachments:
 - A Letter from Carl Webber, received on June 7, 2010
 - B Alternative Proposed Draft Amendment
 - C Draft Finding of Fact and Final Determination for Case 668-AT-10

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in **Case 668-AT-10** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Doug Bluhm, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date
