

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **June 30, 2011**  
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 26, 2011)
5. Continued Public Hearings
6. New Public Hearings

*Note: The full ZBA packet is now available  
on-line at: [co.champaign.il.us](http://co.champaign.il.us).*

**\*Case 691-S-11 Petitioner: Pastor David L. Rogers and Apostolic Life UPC Church, LLC**

**Request: Authorize (1) the Apostolic Life UPC Church as a special use and (2) the establishment and use of a "Residential Recovery Center" as a second special use on the same land, in the AG-2 Agriculture Zoning District.**

**Location: Lot 3 of the Almar First Subdivision in the Northeast Quarter of Section 3 of Urbana Township and commonly known as the Apostolic Life UPC Church located at 2107 High Cross Road, Urbana.**

7. Staff Report
8. Other Business
- A. Proposed ZBA Bylaws Amendments
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 26, 2011 **PLACE:** Lyle Shields Meeting Room  
8 1776 East Washington Street  
9 **TIME:** 7:00 p.m. **Urbana, IL 61802**

---

10  
11 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Roger Miller, Melvin Schroeder, Eric  
12 Thorsland, Paul Palmgren, Brad Passalacqua

13  
14 **MEMBERS ABSENT :** None

15  
16 **STAFF PRESENT :** Lori Busboom, John Hall, Susan Monte

17  
18 **OTHERS PRESENT :** Brandon Roberts, Herb Schildt, Sherry Schildt, Alan Singleton

---

19  
20  
21 **1. Call to Order**

22  
23 The meeting was called to order at 7:00 p.m.

24  
25  
26 **2. Roll Call and Declaration of Quorum**

27  
28 The roll was called and a quorum declared present.

29  
30 **3. Correspondence**

31  
32 None

33  
34 **4. Approval of Minutes (April 28, 2011)**

35  
36 **Mr. Courson moved, seconded by Ms. Capel to approve the April 28, 2011, minutes as submitted.**  
37 **The motion carried by voice vote.**

38  
39 **Mr. Courson moved, seconded by Mr. Palmgren to rearrange the agenda and hear Case 686-V-11**  
40 **prior to Cases 683-AT-11, 684-AT-11, and 685-AT-11. The motion carried by voice vote.**

41  
42 **5. Continued Public Hearing**

43  
44 **Case 683-AT-11 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**  
45 **Ordinance as follows: 1. Add definitions for ‘parcel,’ ‘best prime farmland,’ ‘suited overall’ and,**  
46 **‘well suited overall.’ 2. Revise paragraph 5.4.3C.2 as follows: (a) In item a., add ‘an infrastructure to**  
47 **support the development’ and give examples of relevant infrastructure; and (b) In item h., replace**  
48 **‘emergency, with ‘public’ and add ‘to support the proposed development’ and give examples of**

**DRAFT**

1 relevant services; and (c) In item j., delete ‘effects on’ and replace with ‘the amount of disturbance to.’  
 2 **3. Revise paragraph 9.1.11.B. by addition criteria that apply to special use permits in the AG-1, AG-2,**  
 3 **and CR zoning districts in addition to the existing criteria for any special use permit as follows: (a)**  
 4 **The property is either best prime farmland and the property with proposed improvements is well**  
 5 **suited overall or the property is not best prime farmland and the property with proposed**  
 6 **improvement is suited overall; and (b) The existing public services are available to support the**  
 7 **proposed special use effectively and safely without undue public expense; and (c) The existing public**  
 8 **infrastructure together with proposed improvements is adequate to support the proposed**  
 9 **development effectively and safely without undue public expense.**

10  
 11 Ms. Susan Monte, Champaign County Regional Planning Commission Planner, stated that at the April 28,  
 12 2011, meeting the Board discussed adding a definition to Section 3.0 for the terms: ‘by right’ and  
 13 ‘discretionary’. She said that at the April 28, 2011, meeting she suggested adding a third term, ‘discretionary  
 14 development’ to Section 3.0. She noted that the Supplemental Memorandum dated May 18, 2011, includes  
 15 the definitions for the terms ‘by right,’ discretionary,’ and ‘discretionary development.’

16  
 17 Ms. Monte stated that a task that was not included in the Supplemental Memorandum was to adjust and  
 18 clarify the definition of ‘well suited overall,’ so that it could be better distinguished from the definition ‘well  
 19 suited’ or ‘suited overall.’ She said that the Preliminary Memorandum dated April 19, 2011, indicates five  
 20 criteria listed under the term ‘suited overall’ and two criteria listed under the term ‘well suited overall. She  
 21 said that she would like to propose that the term ‘well suited overall’ must not only meet the two listed  
 22 criteria in the Preliminary Memorandum dated April 19, 2011, but also the five criteria listed under ‘suited  
 23 overall.’ She said that ‘well suited overall’ represents a higher standard than ‘suited overall.’ She said that  
 24 the public notice will have to be republished notifying the public that more defined terms are being added to  
 25 the Zoning Ordinance for clarification of the new terms.

26  
 27 Mr. Thorsland asked the Board if there were any questions for Ms. Monte and there were none.

28  
 29 Mr. Thorsland asked if staff had any questions for Ms. Monte and there were none.

30  
 31 Mr. Thorsland asked Mr. Hall if he had any additional information to present and Mr. Hall did not.

32  
 33 **Case 684-AT-11 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**  
 34 **Ordinance as follows: 1. Revise Section 5.2 by indicating that a subdivision in the CR, AG-1 or AG-2**  
 35 **zoning districts that totals more than three lots or with new streets or private access ways requires a**  
 36 **County Board approved special use permit for Rural Residential Development in addition to the**  
 37 **Rural Residential Overlay District. 2. Revise Section 5.4.3 as follows: (a) Add a requirement for a**  
 38 **County Board approved special use permit for Rural Residential Development in accordance with**  
 39 **Section 9.1.11.; and (b) Add a requirement that the public hearing for a map amendment for a Rural**  
 40 **Residential Overlay and the public hearing for the related special use permit for Rural Residential**  
 41 **Development must be concurrent.**

1  
2 Ms. Monte stated that Case 684-AT-11 is primarily an update of Section 5.2, Table of Authorized Principal  
3 Uses that appears in the Zoning Ordinance. She said that the table includes categories of land uses and under  
4 Residential Uses there are two subcategories, 'Subdivision(s) totaling three lots or less,' and 'Subdivision(s)  
5 totaling more than three lots or with new streets or private accessways.' She said that these are the two  
6 subcategories that are currently in use that describe residential development on lots and these two  
7 subcategories are what are being updated. She said that in addition to the Rural Residential Overlay District  
8 these two subcategories would require a County Board approved special use permit.  
9

10 Ms. Monte stated that the revision to Section 5.4.3 would add a requirement for a County Board approved  
11 special use permit for a rural residential development and add a requirement that the public hearing for a  
12 map amendment for an RRO rezoning and the public hearing for the related special use permit must be  
13 concurrent. She said that the Supplemental Memorandum dated May 18, 2011, includes information about  
14 previous RRO cases that have been requested therefore giving the Board an overview of what has occurred  
15 over the past 10 or 12 years.  
16

17 Mr. Thorsland asked the Board if there were any questions for Ms. Monte.  
18

19 Mr. Courson asked Ms. Monte if adding the County Board approval was redundant.  
20

21 Ms. Monte stated no, it is an added necessary provision that has been recommended to Planning and Zoning  
22 staff to add the special use requirement to Rural Residential Overlays requests so that sites can be considered  
23 on a more individual basis. She said that special uses allow for a more site specific analysis and review  
24 therefore the State's Attorney's office has advised staff that in addition to a zoning amendment a special use  
25 should also be required anytime there is an RRO request.  
26

27 Mr. Hall stated that the RRO is a rezoning but it is specific to a plan. He said that the County Board makes  
28 the zoning decision therefore the County Board needs the flexibility to approve or change the conditions of  
29 the special use permit. He said that the intent is that the County Board will support the recommendation of  
30 the ZBA but they really need to have complete control because both decisions should be done by the County  
31 Board.  
32

33 Mr. Thorsland asked the Board if there were any further questions for Mr. Hall or Ms. Monte and there were  
34 none.  
35

36 **Case 685-AT-11 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**  
37 **Ordinance by revising Section 6.1 by adding standard conditions required for any County Board**  
38 **approved special use permit for a Rural Residential Development in the Rural Residential Overlay**  
39 **district as follows: (1) Require that each proposed residential lot shall have an area equal to the**  
40 **minimum required lot area in the zoning district that is not in the Special Flood Hazard Area; and (2)**  
41 **Require a new public street to serve the proposed lots in any proposed RRO with more than two**

1 proposed lots that are less than five acres in area or any RRO that does not comply with the standard  
2 condition for minimum driveway separation; and (3) Require a minimum driveway separation  
3 between driveways in the same development; and (4) Require minimum driveway standards for any  
4 residential lot on which a dwelling may be more than 140 feet from a public street; and (5) Require for  
5 any proposed residential lot not served by a public water supply system and that is located in an area  
6 of limited groundwater availability or over a shallow sand and gravel aquifer other than the Mahomet  
7 Aquifer, that the petitioner shall conduct groundwater investigations and contract services of the  
8 Illinois State Water Survey (ISWS) to conduct or provide a review of the results; and (6) Require for  
9 any proposed RRO in a high probability area as defined in the Illinois State Agency Historic  
10 Preservation (ISHPA) about the proposed RRO development undertaking a provide a copy of the  
11 ISHPA response; and (7) Require that for any proposed RRO that the petitioner shall contact the  
12 Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of  
13 the agency response.  
14

15 Ms. Monte stated at the April 28, 2011, the Board reviewed the draft Standard Conditions 1, 2, and 3. She  
16 distributed a new Supplemental Memorandum dated May 26, 2011, to the Board for review. She said that  
17 the new memorandum examines all approved RROs and includes an assessment of whether the approved  
18 RRO conformed to the proposed standard conditions and if not what changes might have been necessary.  
19 She said that Standard Condition 1 requires that each proposed residential lot shall have an area equal to the  
20 minimum required lot area that is located outside of the Special Flood Hazard Area. She said that Oak  
21 Grove Subdivision is a good example of Special Condition 1 in that there were five lots each with slightly  
22 over one acre lot area located outside of the floodplain. She said that Oak Grove Subdivision is also an  
23 example of proposed Special Conditions 2 and 3 but Oak Grove Subdivision would not meet those  
24 requirements and could not be approved without a waiver of those two standard conditions.  
25

26 Ms. Monte stated that the May 26, 2011, Supplemental Memorandum includes Attachment A. Approved  
27 Rural Residential Overlay (RRO) Zoning Map Amendment Cases and Conformance with Proposed Standard  
28 Conditions. She reviewed Attachment A with the Board. She said that Case 253-AM-00 (Oak Grove  
29 Subdivision) consisted of five lots and did comply with proposed Standard Condition 1 in that each lot did  
30 have more than one acre of buildable area outside of the Special Flood Hazard Area but it did not meet  
31 proposed Standard Conditions 2 and 3. She said that Case 343-AM-02 (Widholm Subdivision) does not  
32 conform to the proposed standard conditions because it did not include a new street and did not centralize  
33 driveways nor did it require any minimum driveway standards. She said that the Widholm Subdivision  
34 would have required a waiver of proposed Standard Conditions 2 and 3 for approval. She said that and the  
35 only proposed Special Condition that would apply to Case 398-AM-03 (Brock Subdivision) would be  
36 proposed Special Condition 2. She said that Case 459-AM-04 (Summerfield Subdivision) does meet  
37 proposed Standard Conditions 1 and 3 but it does not meet proposed Standard Condition 2.  
38

39 Mr. Hall stated that Summerfield Subdivision was originally created as four lots by-right and then the fourth  
40 lot was divided into the RRO. He said that the attached diagram indicates the original the floodplain area  
41 and the area where there was a significant density of archaeological resources. He said that the original plan

1 was just a rectangular grid of 12 proposed lots but once the floodplain and historic resources were identified  
2 it was decided that the rectangular grid was not going to work. He said that the approved plan would not  
3 meet the proposed standards because three of the lots which front the existing street are less than five acres  
4 and if the acreage of the lots that front the existing street were added together there would be enough acreage  
5 to get two five acre lots and two lots less than five acres. He said that it may have been possible for the plan  
6 to have been mildly revised to meet the standard condition. He said that the driveway standard condition for  
7 the long driveways would have simply been a condition that the Board could have added without changing  
8 the layout. He said that the distance from the street for Lots 9 and 10 are necessitated due to the floodplain.  
9 He said that the plan that was submitted and approved does not meet the proposed conditions but it probably  
10 could have been revised to do so.

11  
12 Ms. Monte stated that Case 468-AM-04 (Greenwood Lake Fourth Subdivision) consisted of six lots on 10.5  
13 acres and floodplain concerns did not apply nor did the minimum driveway standards.

14  
15 Mr. Hall stated that the Greenwood Lake Fourth Subdivision was unique in that Greenwood Drive and CR  
16 850E had been constructed by the same developer in the earlier phases of Greenwood Lake. He said that  
17 following the literal wording of the proposed special conditions Greenwood Lake Fourth Subdivision did not  
18 meet that standard because the lots front an existing street. He said that he would argue that it met the intent  
19 of the standard because the street itself had been built by the same developer in an earlier phase of the  
20 subdivision therefore the Board could consider either revising the way that the condition is worded or keep  
21 an open mind. He said that he would recommend revising the wording to make clear that if the street that is  
22 being fronted was constructed either by the same developer or an earlier subdivision after a certain date the  
23 expectation is that there will be lots fronting it. He said that the point is that Greenwood Drive is not a  
24 public road which would be carrying agricultural traffic. He said that another standard that the Board may  
25 want to consider is that if a street does not carry agricultural traffic perhaps new lots could be fronted upon  
26 that street. He noted that all of narrative that he is adding is part of the memorandum.

27  
28 Ms. Monte stated that Case 520-AM-05 (Bateman Subdivision) consisted of 3 lots on 12 acres. She said that  
29 centralized driveways and minimum driveway standards of more than 140 feet from the street did exist  
30 therefore the RRO met the proposed standard conditions.

31  
32 Ms. Monte said that Case 546-AM-06 (Brickhouses Road Subdivision) consisted of 12 lots on 25 acres and  
33 it met all of the existing conditions at the time as well as the proposed standard conditions.

34  
35 Ms. Monte said that Case 571-AM-06 (Brock) consisted of one lot on 8.8 acres. She said that the only  
36 standard condition that would apply would be the centralized driveways and minimum spacing from the  
37 road.

38  
39 Ms. Monte said that Case 573-AM-06 (Cope Subdivision) consisted of 6 lots and 3 outlots from on 18.96  
40 acres. She said that there were floodplain issues and the proposed Standard Condition 1 was not met.

1 Mr. Hall stated that Lot 4 of the Cope Subdivision was 2.53 acres in area and had less than one acre outside  
2 of the floodplain. He said that in order to meet the standard the developer may decide to add fill where they  
3 intend Lot 4 to be located therefore certifying that all of the elevations are above the base flood elevation.  
4 Mr. Hall stated that Lot 4 is not located in the floodway therefore obtaining a permit would be entirely  
5 keeping with the Special Flood Hazard Ordinance. He said that another thing that the Board may want to  
6 consider goes back to the letter versus the intent of the condition about the minimum required lot area  
7 outside of the special flood hazard area and does the Board want to allow the addition of fill to meet that  
8 area. He said that as Ms. Monte reviewed, the Subdivision Regulations will not allow a lot to be created  
9 where the natural ground elevation was more than one foot below the base flood elevation. He said that the  
10 Cope Subdivision is not within the County's subdivision jurisdiction but he believes that even if it were the  
11 flood depths on proposed Lot 4 could be achieved with no more than one foot of fill. He said that the  
12 conditions can be tightened up to make them more specific and rule certain options out or just make it clear  
13 that certain options can be pursued in meeting the condition. He asked if the Board had any thoughts  
14 regarding allowing or disallowing fill when an RRO is approved and explained that it is not a necessity that  
15 the RRO be more restrictive than the subdivision regulations.  
16

17 Ms. Capel stated that the RRO should not be less than the subdivision regulations.  
18

19 Mr. Hall stated that allowing more than one foot of fill is being less restrictive and in each case the fill would  
20 be approved by the Special Flood Hazard Area Ordinance.  
21

22 Ms. Capel stated that there are engineering standards for the fill.  
23

24 Mr. Hall stated yes, it all has to pass the engineering review. He said that this was intended to establish a  
25 higher standard so that there would be less controversy with the RRO but when it comes to fill in the  
26 floodplain as long as the petitioner is meeting the Special Flood Hazard Area Ordinance there is not a  
27 problem. He said that under the Subdivision Regulations, if it takes more than one foot of fill, then a waiver  
28 of the Subdivision Regulations will be required. He said that a subdivision that becomes a subdivision after  
29 it went through the RRO process is a different thing than someone who walks into the office with a plat for  
30 some lots by-right. He said that before this case is finished the Board should revisit all of the subdivision  
31 standards that Ms. Monte reviewed in the first memorandum and make sure that it is real clear if the RRO  
32 standards are always higher and more restrictive and if it isn't, why and is it justified, so that at least the  
33 County Board will understand it when the case gets to them.  
34

35 Ms. Monte stated that perhaps staff can provide additional information regarding proposed Standard  
36 Condition 1. She said that if the Board has any questions they are welcome to call staff. Ms. Monte  
37 reminded the Board that the proposed standard conditions are optional and can be waived.  
38

39 Ms. Capel asked if the proposed standard conditions would be waived at the County Board level.  
40

41 Ms. Monte stated yes.

1  
2 Mr. Thorsland requested a continuance date for Cases 683-AT-11, 684-AT-11 and 685-AT-11.

3  
4 **Ms. Capel moved, seconded by Mr. Courson to continue Cases 683-AT-11, 684-AT-11 and 685-AT-11**  
5 **to July 14, 2011. The motion carried by voice vote.**

6  
7 **6. New Public Hearings**

8  
9 **Case 686-V-11 Petitioner: Brandon Roberts Request to authorize the connection of an existing garage**  
10 **to an existing house with a resulting side yard of 10 feet instead of the minimum required side yard**  
11 **of 15 feet for a house in the AG-1 Zoning District. Location: A tract of land located in the Southwest**  
12 **Quarter of the Northwest Quarter of Section 21 of Township 20 North, Range 14 West of the Second**  
13 **Principal Meridian in Ogden Township and commonly known as the house at 2706 CR 2050N,**  
14 **Ogden.**

15  
16 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows  
17 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show  
18 of hands for those who would like to cross examine and each person will be called upon. He requested that  
19 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that  
20 those who desire to cross examine are not required to sign the witness register but are requested to clearly  
21 state their name before asking any questions. He noted that no new testimony is to be given during the cross  
22 examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt  
23 from cross examination.

24  
25 Mr. Hall distributed a new Supplemental Memorandum dated May 26, 2011, to the Board for review. He  
26 said that the new memorandum includes the site plan which was omitted from the Preliminary Memorandum  
27 dated May 19, 2011. He said that the site plan indicates the house with the attached garage and a detached  
28 garage to the west and highlights the area between the area where the connection is going to be constructed.  
29 He said that the site plan does not indicate the location of the septic system and the well. He said that the  
30 Supplemental Memorandum also includes the following new items of evidence which should be added to the  
31 Summary of Evidence: New Evidence proposed to be added to item 5 regarding the site plan: A. The site  
32 plan is the same plan as was used in Zoning Use Permit Application No. 88-05-01 on 4/8/05 except that it  
33 shows the proposed connection between the existing garage and existing dwelling; and New Evidence  
34 proposed to be added to item 8 regarding practical difficulties or hardships: B. If the requested variance is  
35 not authorized the petitioner would have to make an addition(s) to the north and or south side of the existing  
36 home which would increase the cost of the addition because it would require the construction of more  
37 exterior wall surface and could intrude onto the septic system if on the north side; and New evidence  
38 proposed to be added to item 13 regarding whether the requested variance is the minimum necessary: A.  
39 The requested variance is the minimum variation necessary to authorize the use of the subject garage as  
40 proposed.



1 Mr. Courson asked Mr. Hall if the petitioner previously obtained a variance for the 13 foot setback on the  
2 east side of the dwelling.  
3  
4 Mr. Hall stated that the existing dwelling is nonconforming which means that it existed on the day of  
5 adoption of the Zoning Ordinance.  
6  
7 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.  
8  
9 Mr. Thorsland called Mr. Brandon Roberts to testify.  
10  
11 Mr. Brandon Roberts, who resides at 2706 CR 2050N, Ogden, IL, stated that he has no new information to  
12 add to the case at this time.  
13  
14 Mr. Thorsland asked the Board if there were any questions for Mr. Roberts and there were none.  
15  
16 Mr. Thorsland asked if staff had any questions for Mr. Roberts.  
17  
18 Mr. Hall stated that there is a greater side yard on the east side of the structure but he assumes that what Mr.  
19 Roberts desires is somewhat related to the floor plan of the house. He asked Mr. Roberts if it makes more  
20 sense to add the construction to the west side of the home rather than converting the attached garage which is  
21 located on the east side of the structure.  
22  
23 Mr. Roberts stated that the attached garage is already set up to connect with a hallway which allows direct  
24 transport from the vehicle to the interior of the house therefore if he turned around his plans it would be  
25 totally opposite and require a lot more work to make it as easily accessible. He said that he has reviewed the  
26 plans many times and this is the best and least expensive way to add on to the house and still use their yard  
27 in the correct manner.  
28  
29 Mr. Hall asked Mr. Roberts how much of the detached garage would be converted into dwelling space. He  
30 asked Mr. Roberts if he will still have adequate room to store the items that he had previously stored in the  
31 garage without having to store those items outside.  
32  
33 Mr. Roberts stated that the entire garage will be converted and there will not be a problem with storage.  
34  
35 Mr. Courson asked Mr. Roberts if he planned to extend the roof height during construction.  
36  
37 Mr. Roberts stated no. He said that the outside appearance of the garage will not change other than the new  
38 construction and the new windows which will replace the garage doors.  
39  
40 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony  
41 regarding Case 686-V-11 and there was no one.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

Mr. Thorsland requested a motion to close the witness register.

**Mr. Courson moved, seconded by Ms. Capel to close the witness register for Case 686-V-11. The motion carried by voice vote.**

Mr. Hall stated that a new item 10.E. should be added to the Summary of Evidence as follows: The petitioner testified at the public hearing on May 26, 2011, that the height of the garage will not be increased in the remodeling.

Mr. Hall stated that a new item 3 should be added to the Documents of Record as follows: Supplemental Memorandum dated May 26, 2011, with attached site plan.

**Finding of Fact for Case 686-V-11:**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 686-V-11 held on May 26, 2011, the Zoning Board of Appeals of Champaign County finds that:

- 1. Special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere.**

Mr. Courson stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere because of conflicts with the well and septic location behind the house should they want to expand that direction and the lot is a nonconforming lot with a width of 133 feet.

Ms. Capel stated that due to the layout of the house and the existing attached garage the logical expansion is into the detached garage versus the attached garage.

Mr. Thorsland added that the lot existed prior to 1973.

- 2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.**

1 Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the  
2 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or  
3 structure or construction because adding on to the rear of the home would encroach into the septic  
4 system and well.

5  
6 Mr. Courson stated that extra expense would occur due to the addition of an extra wall.

7 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**  
8 **result from actions of the applicant.**

9  
10 Ms. Capel stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT  
11 result from actions of the applicant because the home is located on an existing nonconforming lot and  
12 the petitioner is applying for a variance prior to construction.

13  
14 Mr. Thorsland stated that the setback of the existing structure is not being moved closer to the lot line.

15  
16 **4. The requested variance IS in harmony with the general purpose and intent of the**  
17 **Ordinance.**

18  
19 Mr. Courson stated that the requested variance IS in harmony with the general purpose and intent of the  
20 Ordinance because the height of the structure is not being altered and it is currently in conformance with  
21 the required setbacks for an accessory building.

22  
23 **5. The requested variance, WILL NOT, be injurious to the neighborhood or otherwise**  
24 **detrimental to the public health, safety, or welfare.**

25  
26 Mr. Miller stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise  
27 detrimental to the public health, safety, or welfare because the setback of the existing structure is not  
28 being changed. He said that the road commissioner and fire protection district were notified and no  
29 comments were received.

30  
31 Mr. Courson stated that letters from neighbors have been received indicating that they are in support of  
32 the proposed construction.

33  
34 Mr. Thorsland stated that even though this is a small lot the variance will make an insignificant change  
35 to the nonpermeable area.

1  
2  
3

6. The requested variance IS the minimum variation that will make possible the reasonable use of the land/structure.

4  
5  
6

Ms. Capel stated that the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure because the classification of the building is changing not the setback.

7  
8  
9

Mr. Miller moved, seconded by Mr. Courson to adopt the Summary of Evidence, Documents of Record and Finding of Fact as amended. The motion carried by voice vote.

10  
11  
12

Mr. Palmgren moved, seconded by Mr. Schroeder to close the public hearing for Case 686-V-11. The motion carried by voice vote.

13  
14

Final Determination for Case 686-V-11:

15  
16  
17  
18  
19  
20  
21  
22  
23

Mr. Courson moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals find that, based upon the application, testimony and other evidence received in this case, that the requirements of Section 9.1.9.C for approval HAVE been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Variance requested in Case 686-V-11 is hereby GRANTED to the petitioner, Brandon Roberts, to authorize the connection of an existing garage to an existing house with a resulting side yard of 10 feet instead of the minimum required side yard of 15 feet for a house in the AG-1 Zoning District.

24

The roll was called:

25  
26  
27  
28  
29  
30  
31

Capel-yes	Courson-yes	Miller-yes
Palmgren-yes	Schroeder-yes	Passalacqua-yes
Thorsland-yes		

32  
33  
34

Mr. Hall informed Mr. Roberts that he has received an approval for his variance request and staff will send out the permit application within a few days.

35  
36

Mr. Thorsland stated that the Board will now hear Case 683-AT-11.

37  
38

7. Staff Report  
A. April, 2011 Monthly Report

1 Mr. Hall distributed the April, 2011 Monthly Report to the Board for review. Mr. Hall stated that there have  
2 been no new cases docketed in May which is less than last year and more than 2009 but still the third lowest  
3 number of cases filed in the history of zoning.  
4

5 **B. Status of Zoning Cases that have received Final Determination**  
6

7 Mr. Hall distributed a document titled 'Zoning Case Wrap-up' dated May 26, 2011, for review. He said that  
8 it is wonderful that we have a new Chair so that we can start with all of the cases determined under that  
9 Chair and currently it appears that we are doing pretty good so far. He said that he would like to distribute  
10 this report at every meeting or at least once a month. He said that it is important to let the Board know the  
11 status of a case after the Board has finished its work and assure that staff is finishing their work on the case.  
12

13  
14 **8. Other Business**

15 **A. Proposed ZBA Bylaws Amendments**  
16

17 Mr. Hall stated that previously he had completed enough research to verify that the phrase "close the public  
18 hearing" was in place from the beginning through a copy of the 1975 Bylaws. He said that since the last  
19 time that the Board reviewed the amendment he went back and did a little closer reading to better understand  
20 why the phrase "close the public hearing" was used. He said that apparently during the earlier years of the  
21 ZBA they would have one meeting where all of the evidence would be presented in one meeting and then the  
22 ZBA would make a decision within 90 days after that meeting. He said that the Bylaws did specify that the  
23 decision had to be made during a public session therefore even though they closed the public hearing at the  
24 end of the first meeting they were still in public session when they made the decision. He said that obviously  
25 procedures had not been perfected and they are still that way today. He said that the whole point of the  
26 proposed amendment of the Bylaws is to eliminate the phrase "close the public hearing" because, by law, the  
27 public hearing does not close but only ends or may close if there is suitable reason to go into closed session.  
28 He said that at the same time the phrase "close the public hearing" is being eliminated there were many other  
29 changes that were required throughout the Bylaws. He said that previously he was proposing to eliminate  
30 the phrase "close the witness register" but as a result of his research he now understands that while you could  
31 use a different phrase that point in the public hearing is very important because it is the point in which  
32 witnesses can no longer just raise their hand to speak or sign the witness register. He said that to speak after  
33 closing the witness register the Board has to vote and if the majority of the Board does not want to hear what  
34 that witness intends to say then that witness does not get to speak. He said that in Article 7 - Public Hearing  
35 Procedures, Subsection 7.8, Presentation of Evidence discusses how evidence shall be presented unless  
36 altered by the Chair or by motion. He said Item (i) indicates that the Board shall then vote to Close the  
37 Witness Register which is a key point in the public hearing and it has been retained. He said that he will  
38 always encourage the Board to allow anyone to speak and if it is repetitive or invalid testimony then the  
39 Board can stop the testimony.  
40

41 Mr. Hall stated that Article 6- Form and Character of Motions and Decisions, Subsection 6.2 refers to the

1 Appendix, previously distributed to the Board, and it is called the Rules of Order. He said that the title of  
2 the Appendix is confusing because the table is just the Bylaws set in particular order so that the Board knows  
3 when the Bylaw can be exercised. He recommended that the Board just have Bylaws and an Appendix –  
4 Champaign County Zoning Board of Appeals Bylaws Summary of Actions. He said that the amendment  
5 which is before the Board gets rid of the use of the term “Rules” and just talks about Bylaws. He said that  
6 even the current Bylaws are not consistent when they refer to a meeting when they should be referring to a  
7 public hearing. He said that many times the authors of the Bylaws have used the term “case” to refer to  
8 something other than a zoning case but they are also using the term “case” to refer to a zoning case. He said  
9 that he has tried to be consistent and only use the term “case” in reference to a zoning case and everything is  
10 an “instance” or a “time” but not a case.  
11

12 Mr. Hall stated that Article 12 – Amendments previously indicated that it took five affirmative votes to  
13 change the rules even though it only takes four to do anything else therefore it is his recommendation to  
14 change that to four affirmative votes. He said that this revision will be consistent in that it will only take  
15 four affirmative votes to do anything. He said that he has not asked the State’s Attorney’s office to review  
16 these revisions yet because he wanted to make sure that the Board was comfortable with the proposed  
17 changes. He said that the table needs to be updated and he would also recommend a formal addition to the  
18 Appendix titled “Meeting Notes.” He said that he would also like to include an example of the  
19 Administrative Statement to the Appendix but he will request the State’s Attorney’s opinion in regards to  
20 that addition.  
21

22 Mr. Hall stated that at the next public hearing he would hope to have all of the Appendices formatted with all  
23 of the recommended changes and if no further changes are deemed necessary by the Board then the Bylaws  
24 could be sent to the State’s Attorney’s office for review. He said that the earliest date for adoption of the  
25 Bylaws would be at the July 14, 2011, meeting. He said that the Board will be able to review the revised  
26 table at the June 16<sup>th</sup>, meeting.  
27

28 Mr. Thorsland asked the Board if there were questions for Mr. Hall.  
29

30 Mr. Courson asked Mr. Hall if the witness register was closed could the Board recall a witness for questions  
31 without voting to reopen the witness register.  
32

33 Mr. Hall stated that the Bylaws indicate that the Board can ask anyone anything at anytime. He said that the  
34 Board may want to make it explicit in the Bylaws although Subsection 7.13 indicates that the Board may  
35 request any relevant information or evidence from any party only prior to any motion for a specific Final  
36 Determination. He said that he will amend the text clarifying that the Board may ask request any relevant  
37 information or evidence from any party at any time prior to any motion for Final Determination.  
38

39 Mr. Schroeder stated that he agrees that it should be clarified because the Board may think of something that  
40 they want to say or ask the petitioner or witnesses before the Final Determination and if that opportunity is  
41 cut off the case will go to the County Board with unanswered questions. He said that relevant statements

1 and answers to all of the questions would be in the best interest to the County.  
2

3 Mr. Thorsland stated that the Board is not attempting to make the Bylaws more restrictive but trying to  
4 clarify that up to the point where the final vote for the Final Determination is made the Board can ask  
5 questions to the petitioner or witnesses.  
6

7 Mr. Thorsland asked the Board if there were any additional questions or comments regarding the Bylaws and  
8 there were none.  
9

10 **9. Audience Participation with respect to matters other than cases pending before the Board**  
11

12 None  
13

14 **10. Adjournment**  
15

16 **Mr. Schroeder moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by**  
17 **voice vote.**  
18

19 The meeting adjourned at 8:20 p.m.  
20  
21  
22

23 Respectfully submitted  
24  
25  
26  
27

28 Secretary of Zoning Board of Appeals  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40

# CASE NO. 691-S-11

## PRELIMINARY MEMORANDUM

June 24, 2011

Champaign  
County  
Department of

**PLANNING &  
ZONING**

Petitioners: **Pastor David L. Rogers  
and the Apostolic Life UPC Church**

Site Area: **4.7 acres**

Time Schedule for Development:  
**Development contingent upon  
funding**

Prepared by: **John Hall**  
Zoning Administrator

Request: **Authorize the following on  
land in the AG-2 Agriculture Zoning  
District:**

- (1) **the Apostolic Life UPC Church  
as a special use; and**
- (2) **the establishment and use of a  
“Residential Recovery Center”  
as a second special use.**

Location: **Lot 3 of the Almar First  
Subdivision in the Northeast Quarter  
of Section 3 of Urbana Township and  
commonly known as the Apostolic Life  
UPC Church located at 2107 High  
Cross Road, Urbana.**

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

(217) 384-3708

## BACKGROUND

The Champaign County Board adopted amending Ordinance No. 870 (Case 668-AT-10) that added the use “residential recovery center” to the Zoning Ordinance on October 23, 2010 (see attached). The need to add “residential recovery center” to the Zoning Ordinance was because the Apostolic Life UPC Church located at 2107 High Cross Road (in the AG-2 Zoning District) had been operating their “Lifeline-connect Ministry” (which meets the definition of a “Residential Recovery Center”) since the fall of 2007 without authorization and had recently received funds to expand and proper zoning was necessary. Enrollment in the program has been approximately eight men at any given time since 2007.

The Apostolic Life UPC Church is a legal non-conforming church in the AG-2 District. Churches in the AG-2 District (and AG-1 and CR) are now required to be authorized via a Special Use Permit and so a special use permit is required for the Church as well as the Residential Recovery Center.

## EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana. Municipalities with zoning do not have protest rights on Special Use Permits, but they are notified of such cases and invited to comment.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Apostolic Life UPC Church (legal nonconforming)	AG-2 Agriculture
North	Agriculture	R-1 Single family residence
East	Agriculture	AG-2 Agriculture
	Single family homes	R-1 Single family residence
West	Harvest Church (legal nonconforming)	AG-2 Agriculture
South	Harvest Church (open lawn)	R-1 Single family residence
	Single family homes	



## **COMPLIANCE WITH LOCATIONAL REQUIREMENTS AND STANDARD CONDITIONS**

Attachment D summarizes the compliance with the Zoning Ordinance Section 5.2 Locational Requirements and Section 6.1.3 Standard Conditions for a Residential Recovery Center. At this time the application appears to be in compliance provided that certain special conditions of approval are imposed.

## **EVIDENCE TO BE ADDED TO THE SUMMARY OF EVIDENCE**

There is much evidence that remains to be added to the Summary of Evidence and that evidence will be available at the public hearing.

## **PROPOSED SPECIAL CONDITIONS OF APPROVAL**

The following special conditions of approval are proposed in Item 12 of the Summary of Evidence:

- A. A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**
- B. Regarding State of Illinois accessibility requirements:**
  - (1) The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the proposed construction will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**
  - (2) The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act;**
- C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed Residential Recovery Center dormitory until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

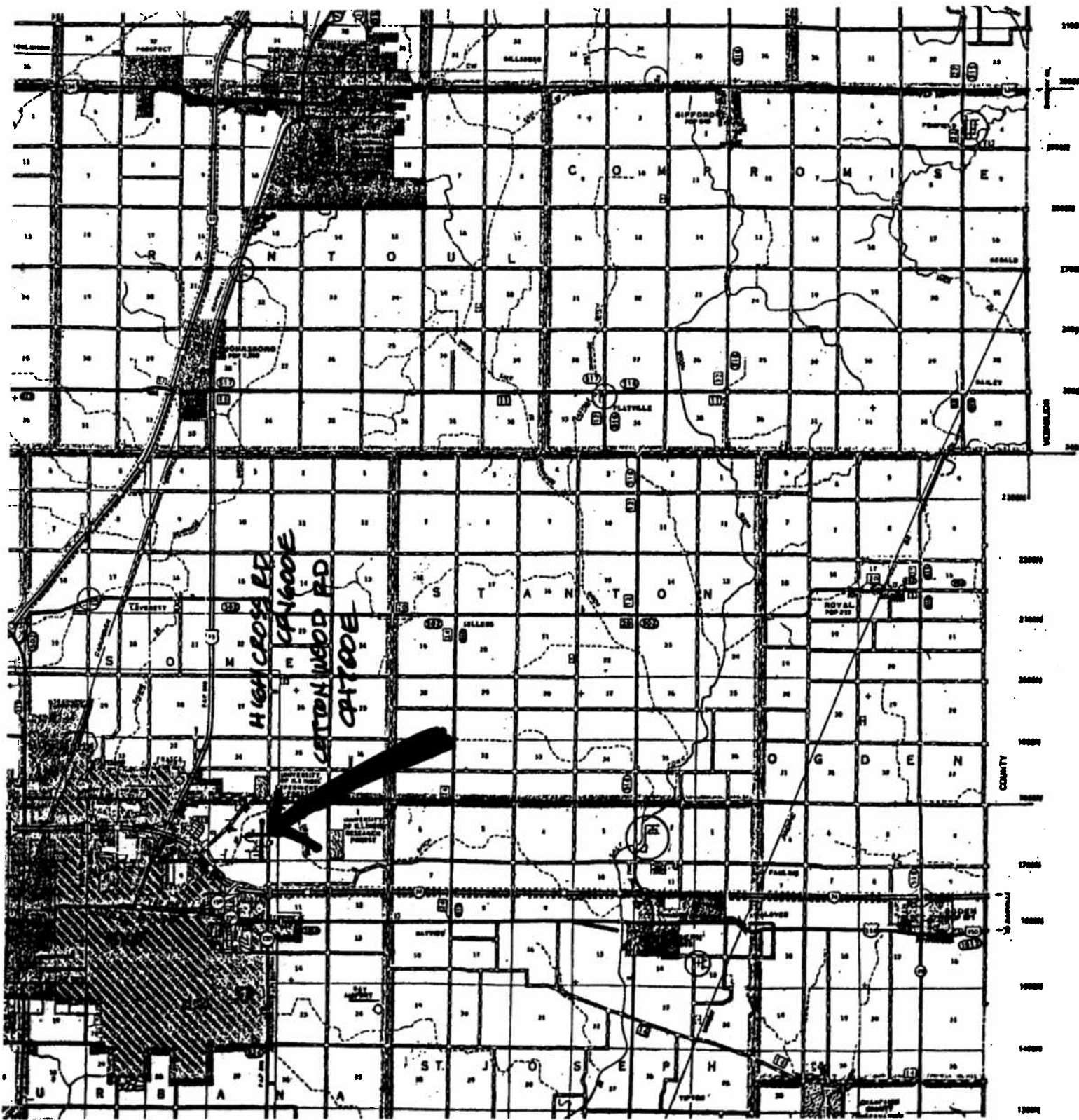
**ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Ordinance No. 870 (Case 668-AT-10)
- C Table of Applicant Submittals
- D Table Summarizing Compliance With Locational Requirements and Standard Conditions
- E Aerial photograph from 1973
- F Approved site plan for Case 749-S-91 (with notes regarding building area)
- G Excerpt of approved site plan for Zoning Use Permit 115-96-02
- H Proposed site plan received May 13, 2011
- I Proposed Lifeline-connect RRC Dorm Facility Floor Plan received May 13, 2011
- J Drainage review of new building & parking lot expansion by Bryan K. Bradshaw dated March 28, 2011
- K Soil characterization report by Wiley Scott Soil Consulting Service dated March 21, 2011
- L Letter from Pastor David L. Rogers received on May 13, 2011
- M Letter dated September 3, 2010, from Theodora Binion Taylor, Director, Illinois Department of Human Services Division of Alcoholism and Substance Abuse, to Pastor D. L. Rogers
- N Description of proposed septic system written by Dale Shiply and received on May 13, 2011
- O Copy of May 11, 2011, email regarding proposed food service from Sarah Michaels, Champaign-Urbana Public Health District/ Champaign County Health Department
- P Public Act 96-074
- Q IDOT Map of Annual Average Daily Traffic in vicinity of subject property
- R Draft Summary of Evidence, Finding of Fact, and Final Determination for Zoning Case 691-S-11

Attachment A. Location Map

Case 691-S-11

JUNE 24, 2011

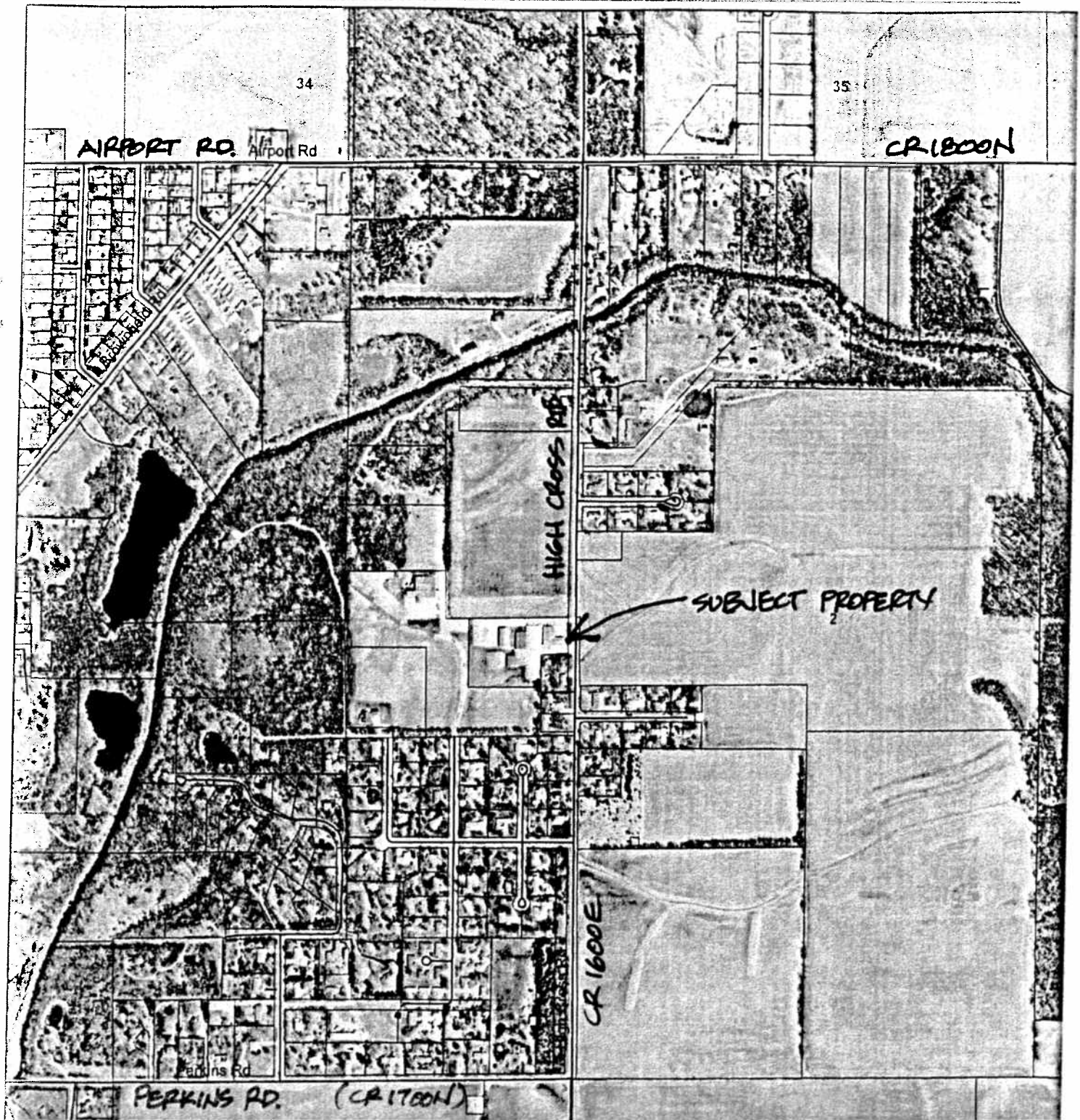


Champaign  
County  
Department of  
**PLANNING &  
ZONING**

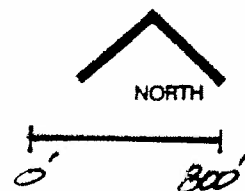
Attachment A. Land Use

Case 691-S-11

JUNE 24, 2011



<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

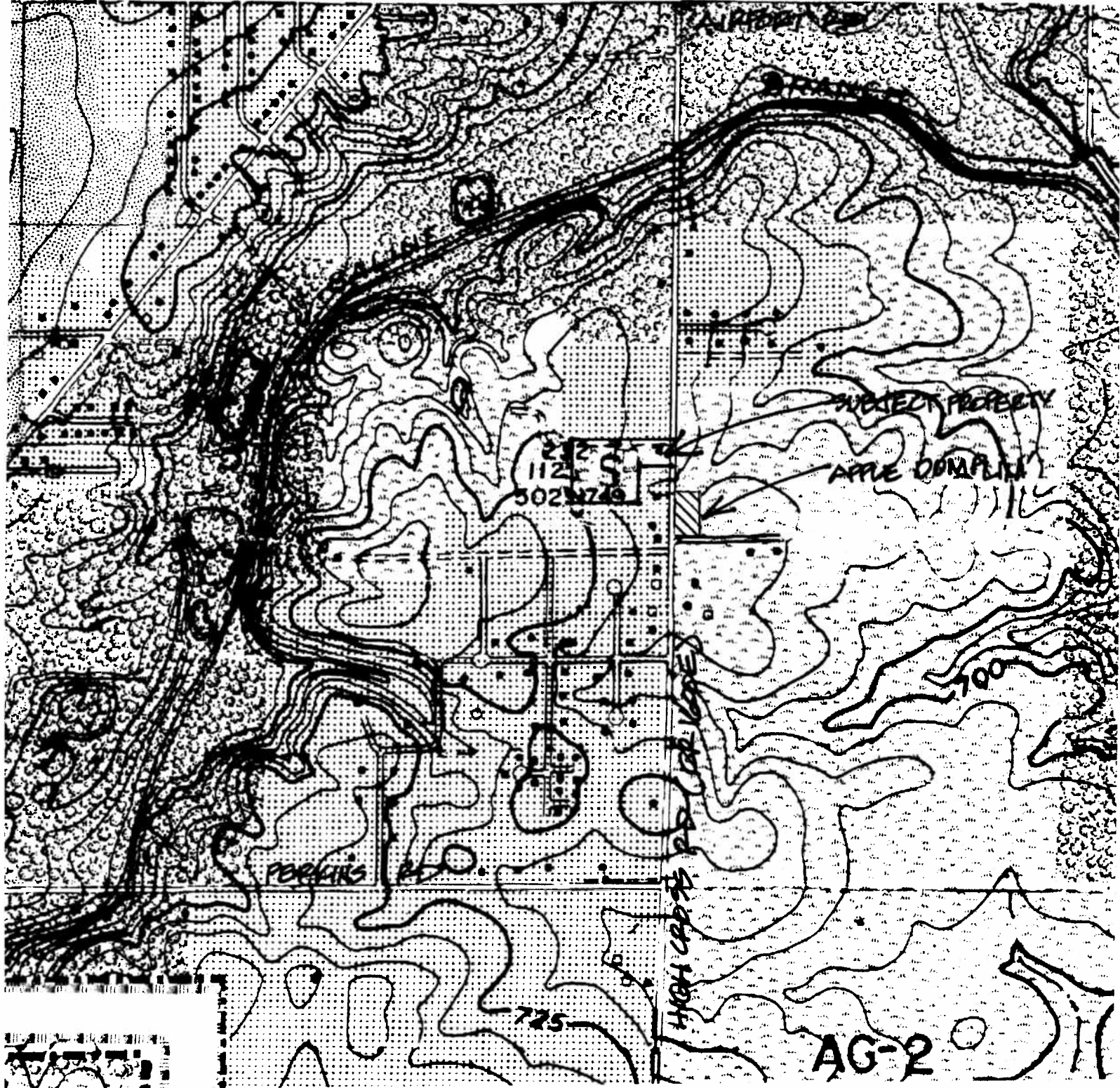


Champaign  
County  
Department of  
**PLANNING &  
ZONING**

Attachment A. Zoning

Case 691-S-11

JUNE 16, 2011



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Champaign County Department of <b>PLANNING &amp;            ZONING</b>
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry	

**Attachment B. Ordinance No. 870 (Case 668-AT-10)**

Case 691-S-11  
JUNE 24, 2011

**ORDINANCE NO. 870  
ORDINANCE AMENDING ZONING ORDINANCE  
668-AT-10**

WHEREAS, the Champaign County Zoning Board of Appeals held a public hearing, made a formal recommendation for approval, and forwarded to this Board Case Number 668-AT-10;

WHEREAS, the Champaign County Board believes it is for the best interests of the County and for the public good and welfare to amend the Champaign County Zoning Ordinance in a manner hereinafter provided;

NOW, THEREFORE BE IT ORDAINED, by the Champaign County Board, Champaign County, Illinois, that Resolution No. 971, *The Zoning Ordinance of the County of Champaign, Illinois* be amended in the following manner:

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:

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.

**Attachment B. Ordinance No. 870 (Case 668-AT-10)**

Case 691-S-11  
JUNE 24, 2011

ORDINANCE NO. 870

PAGE 2

3. In Section 5.2, add RESIDENTIAL RECOVERY CENTER to the Table of Authorized Principal Uses as a use allowed by Special Use Permit subject to standard conditions only in the AG-2 Agriculture Zoning District and indicate a new footnote.

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

19. 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.

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

- 1. The proposed RESIDENTIAL RECOVERY CENTER must be located as follows:
  - a. The subject property must be served by public transportation; and
  - b. The associated church or temple must occupy a building which predominantly existed on October 10, 1973.
- 2. The maximum number of residents allowed at one time shall be the smaller of the following numbers:
  - a. 10% of the maximum occupancy of the main worship area of the associated church or temple; or
  - b. 30.
- 3. The minimum required lot area shall be:
  - 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.
- 4. The proposed RESIDENTIAL RECOVERY CENTER shall be operated as follows:
  - a. A responsible and qualified staff person must be onsite to provide supervision 24 hours per day, seven days per week; and

Attachment B. Ordinance No. 870 (Case 668-AT-10)

Case 691-S-11  
JUNE 24, 2011

PAGE 3

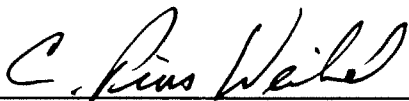
ORDINANCE NO. 870


- b. All onsite food service shall be compliant with the Champaign County Health Ordinance; and
  - c. 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.
5. No person may occupy a RESIDENTIAL RECOVERY CENTER until a qualified inspector (as defined in 20 ILCS 3105/10.09-1) files a certification that the building complies with the 2006 edition of the International Building Code.
6. Add new paragraph 7.4.1 C.3.i., as follows:
- i. Parking spaces for a RESIDENTIAL RECOVERY CENTER shall only be required for the number of vehicles proposed to be authorized in the Special Use Permit application.

PRESENTED, PASSED, APPROVED, AND RECORDED this 23<sup>rd</sup> day of September, A.D. 2010.

SIGNED:

ATTEST:

  
\_\_\_\_\_  
C. Pius Weibel, Chair  
Champaign County Board  
Champaign, Illinois

  
\_\_\_\_\_  
Mark Shelden, County Clerk and *Ex Officio*  
Clerk of the Champaign County Board



### Attachment C. Table of Applicant Submittals

Case 691-S-11

JUNE 24, 2011

Submittals	Intended Purpose
<b>SUBMITTALS</b>	
Proposed site plan received May 13, 2011	(standard site plan requirement)
Drainage review of new building & parking lot expansion by Bryan K. Bradshaw dated March 28, 2011	Assess feasibility of compliance with the Champaign County Stormwater Drainage Policy
Soil characterization report and borings by Wiley Scott Soil Consulting Service dated March 21, 2011	Supports feasibility of compliance of the proposed septic system with the Champaign County Health Ordinance
Letter from Pastor David L. Rogers received on May 13, 2011	Supporting document that establishes the following: <ol style="list-style-type: none"> <li>(1) the proposed maximum number of residents (24)</li> <li>(2) compliance with the standard condition requiring that a responsible and qualified staff person must be onsite to provide supervision 24 hours per day, seven days a week</li> <li>(3) other items reviewed in the letter</li> </ol>
Letter dated September 3, 2010, from Theodora Binion Taylor, Director, Illinois Department of Human Services Division of Alcoholism and Substance Abuse, to Pastor D. L. Rogers	Conformance with the licensure requirements of the Alcoholism and Other Drug Abuse and Dependency Act (20ILCS 301/)
Lifeline-connect RRC Dorm Facility Floor Plan received May 13, 2011	Illustrates the type of proposed facility
Description of proposed septic system written by Dale Shiply and received on May 13, 2011	Supports feasibility of compliance of the proposed septic system with the Champaign County Health Ordinance
Copy of May 11, 2011, email regarding proposed food service from Sarah Michaels, Champaign-Urbana Public Health District/ Champaign County Health Department	Proves feasibility of compliance of proposed onsite food service with the Champaign County Health Ordinance
NOTES	

**Attachment D. Table Summarizing Compliance With Locational Requirements and Standard Conditions**

Case 691-S-11

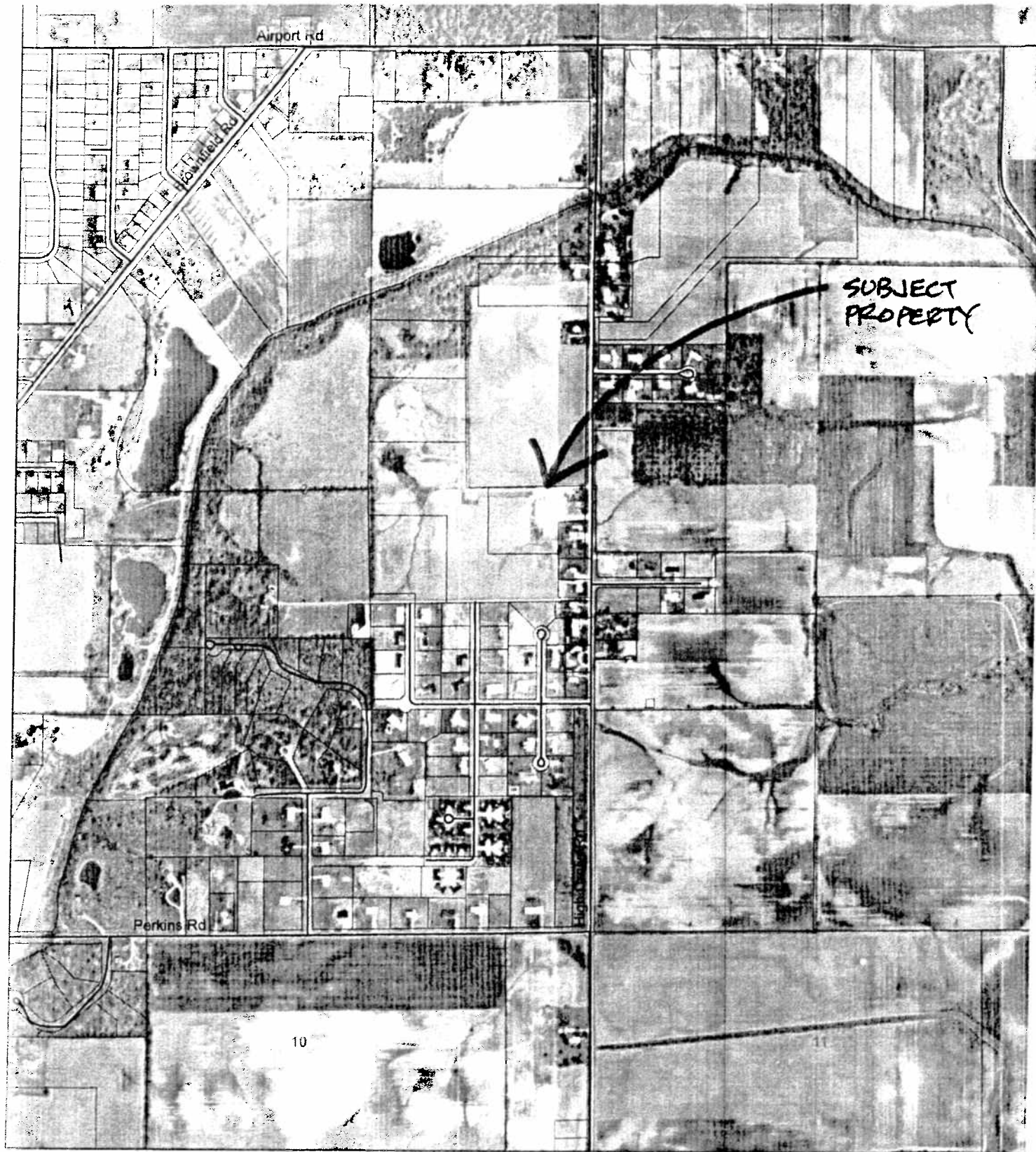
JUNE 24, 2011

Locational Requirements or Standard Conditions	Compliance	Supporting Documentation
<b>LOCATIONAL REQUIREMENTS IN SEC. 5.2 FOOTNOTE 19</b>		
a) Located within one and one-half miles of a home-rule municipality with an adopted comprehensive plan	COMPLIES	None: it is well established that the City of Urbana has a comprehensive plan
b) Operated by and located on the same property as a church or temple.	COMPLIES	None: it is well established that the Apostolic Life UPC Church owns the subject property and it is anticipated that the applicant will testify that the proposed Residential Recovery Center will be wholly owned by the Apostolic Life UPC Church
<b>STANDARD CONDITIONS IN SEC. 6.1.3</b>		
1. a. Property must be served by public transportation	COMPLIES	None: the property is served by the Champaign Urbana Mass Transit District
1.b. The associated church or temple must occupy a building which predominately existed on October 10, 1973	COMPLIES	The church building existed prior to 1973 (see the 1973 aerial photo) and was 16,700 square feet in area in 1973 and since then the total area of all buildings on the property has increased to 32,120 square feet. (see the Approved site plan for Case 749-S-91 with notes regarding building area)
2. Maximum number of residents at one time shall be smaller of 10% of the maximum occupancy of the main worship area or 30	COMPLIES	Maximum proposed number of residents is 24 (see Letter from Pastor David L. Rogers received on May 13, 2011) and the main worship area has a maximum occupancy of 250 (see Excerpt of approved site plan for Zoning Use Permit 115-96-02).  A special condition should probably be included to document the maximum number.
3. If not served by a PUBLIC SANITARY SEWER SYSTEM the minimum required lot area shall be 30,000 square feet plus 7,000 square feet per resident.	COMPLIES	Minimum required lot area is 4.545 acres with 24 residents and the lot area is 4.7 acres
4.a. A responsible and qualified staff person must be onsite to provide supervision 24 hours per day seven days per week.	APPARENTLY COMPLIES	See item 6. In the letter from Pastor David L. Rogers received on May 13, 2011.
4.b. All onsite food service shall be compliant with the Health Ordinance.	COMPLIES	See the email regarding proposed food service from Sarah Michaels, Champaign-Urbana Public Health District/ Champaign County Health Department.
4.c. The Residential Recovery Center must be operated in conformance with the Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/ 1) including any required license.	COMPLIES	See the letter dated September 3, 2010, from Theodora Binion Taylor, Director, Illinois Department of Human Services Division of Alcoholism and Substance Abuse, to Pastor D. L. Rogers.
5. No occupancy authorized until a qualified inspector files a certification that the building complies with the 2006 edition of the International Building Code (as required by 20 ILCS 3105/10.09-1)	CONDITIONAL COMPLIANCE	A special condition is proposed to ensure compliance

Attachment E. Aerial photograph from 1973

Case 691-S-11

JUNE 24, 2011



**DISCLAIMER:**

This map was prepared by the Champaign County GIS Consortium (CCGIS) using the best available data. This map and its underlying data is intended to be used as a general index to land related information and is not intended for detailed, site-specific analysis. CCGIS does not warrant or guarantee the accuracy of this information for any purpose.

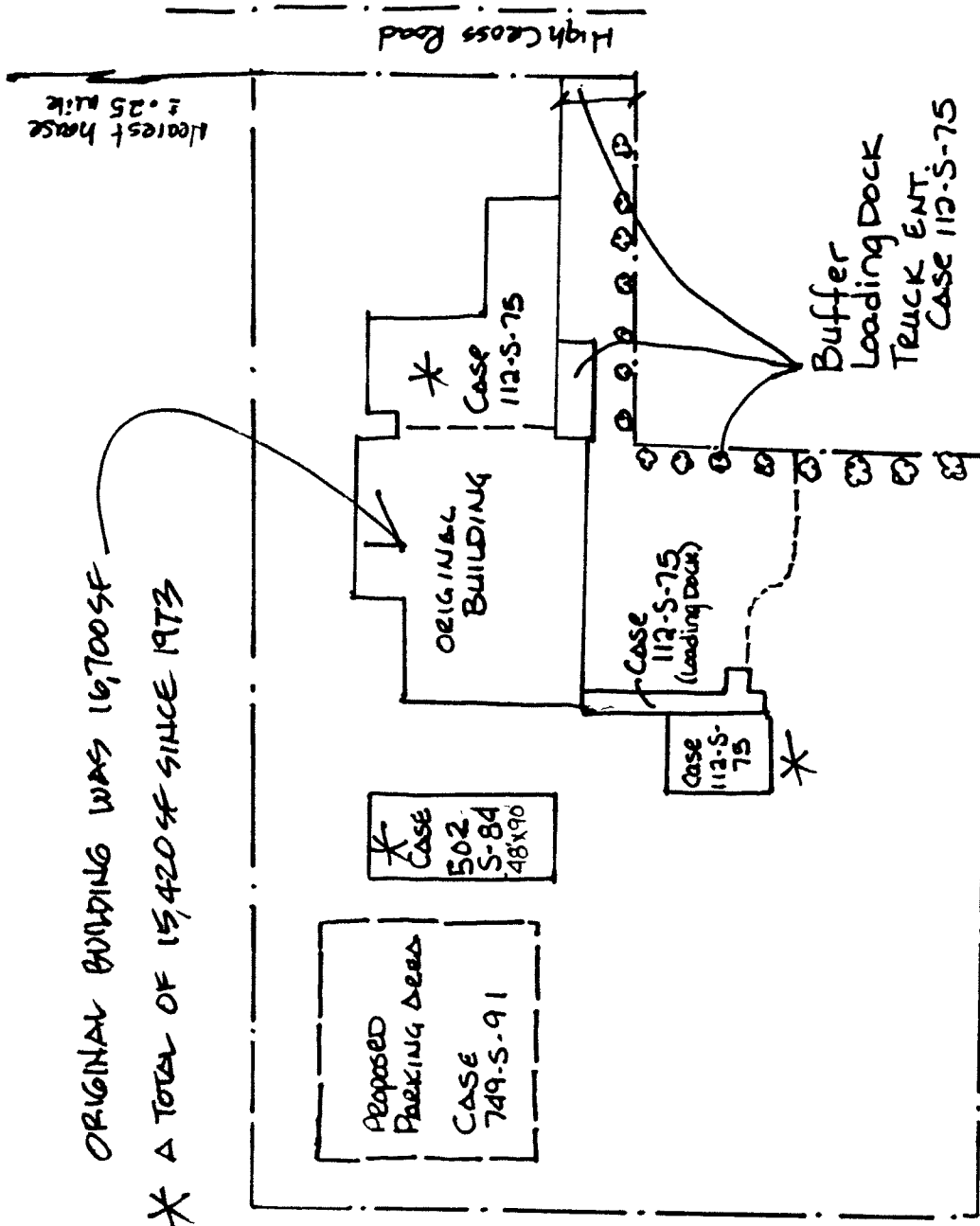
1 inch = 800 feet



Attachment F. Approved site plan for Case 749-S-91 (with notes regarding building area)

Case 691-S-11

JUNE 24, 2011



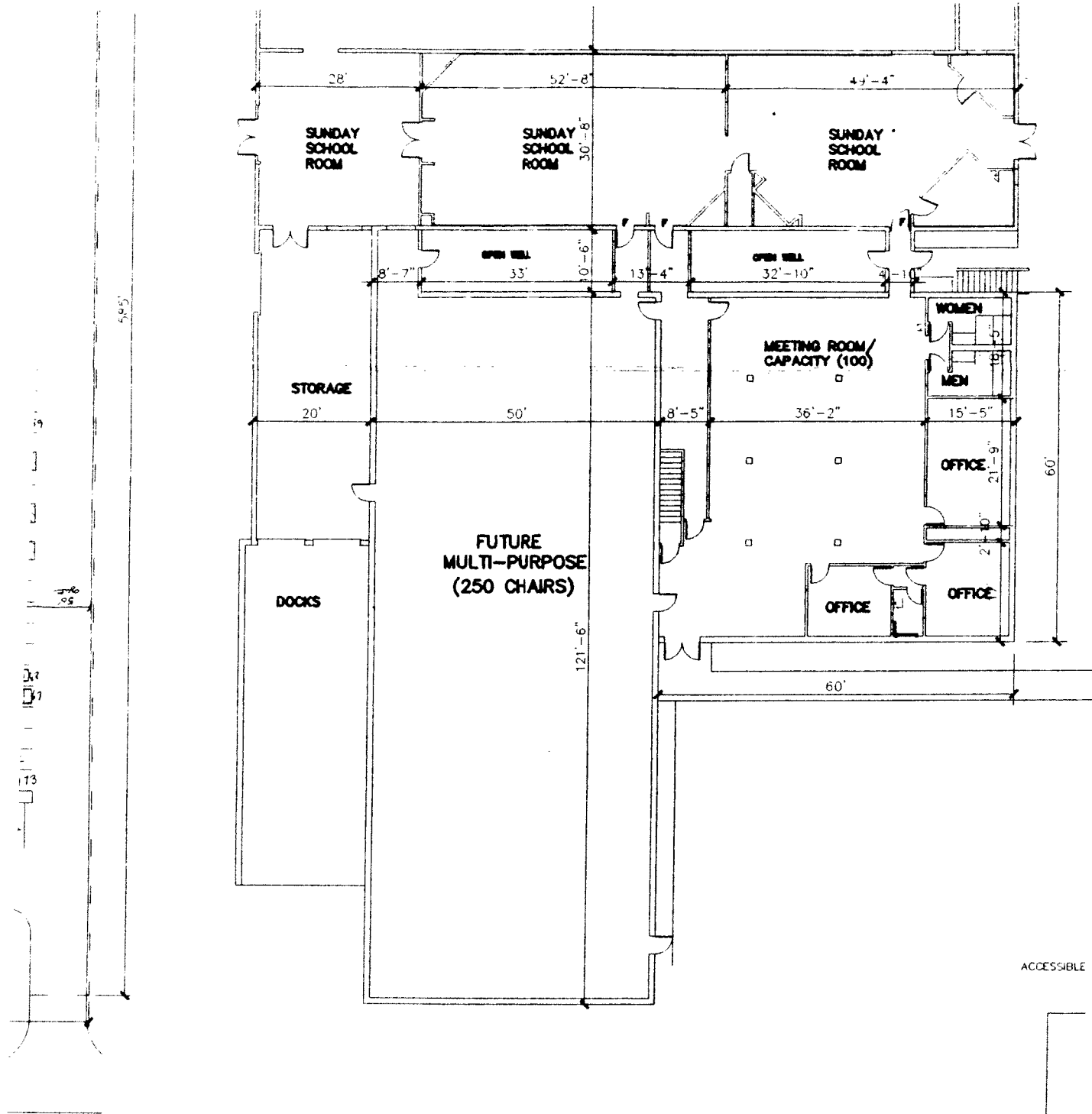
Case: 749-S-91

Petitioner: Pyramid Paper Co.

Attachment G. Excerpt of approved site plan for Zoning Use Permit 115-96-02

Case 691-S-11

JUNE 24, 2011



**CHURCH PORTION OF BUILDING**

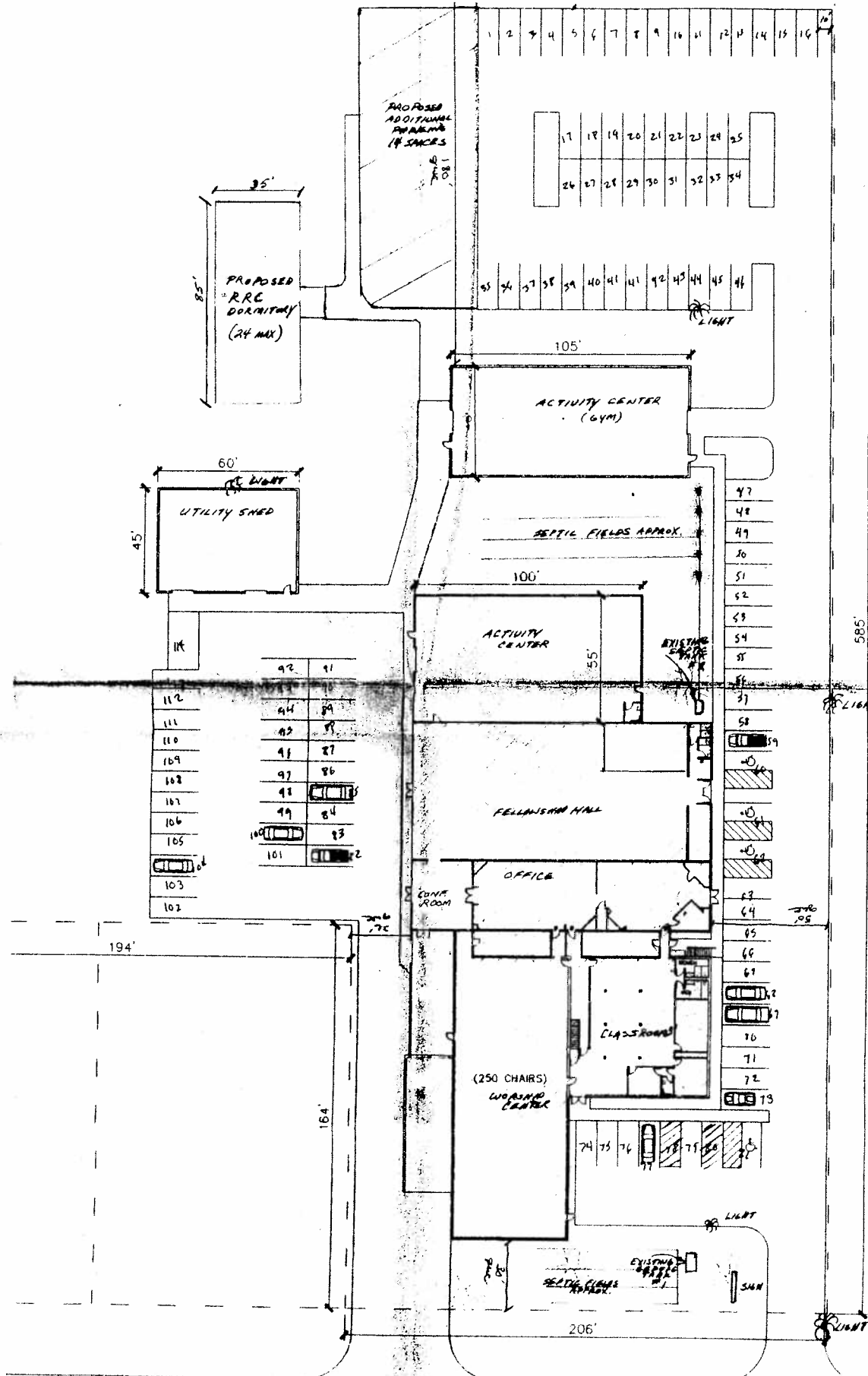
SCALE 1/16" = 1'-0"



ACCESSIBLE

**ACCESSIBLE**

NOT TO SCALE



PROPOSED  
R.R.C.  
DORMITORY  
(24 MAX)

UTILITY SHED

PROPOSED  
ADDITIONAL  
PARKING  
14 SPACES

17	18	19	20	21	22	23	24	25
26	27	28	29	30	31	32	33	34

35	36	37	38	39	40	41	42	43	44	45	46
----	----	----	----	----	----	----	----	----	----	----	----

ACTIVITY CENTER  
(GYM)

ACTIVITY CENTER

FELLOWSHIP HALL

OFFICE

CLASSROOM

(250 CHAIRS)  
WORKSHOP CENTER

92	91
93	94
94	94
95	95
96	96
97	97
98	98
99	99
100	100
101	101
102	102
103	103
104	104
105	105
106	106
107	107
108	108
109	109
110	110
111	111
112	112

47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73

74	75	76	77	78	79	80
----	----	----	----	----	----	----

HIGHCROSS ROAD

RECEIVED

MAY 13 2011

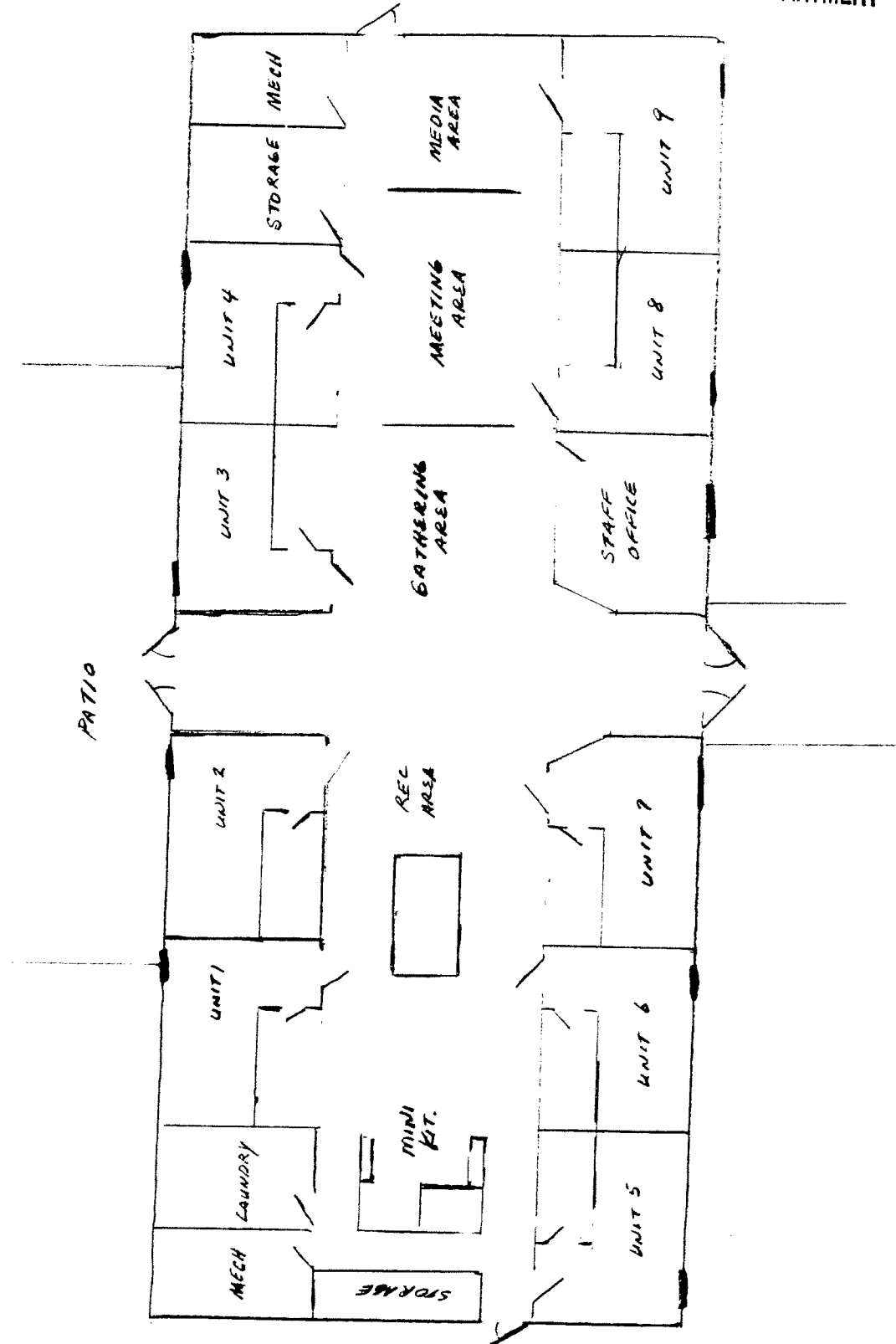
CHAMPAIGN CO. P & Z DEPARTMENT

SITE PLAN

RECEIVED

MAY 13 2011

CHAMPAIGN CO. P & Z DEPARTMENT



Lifeline-Connect RRC Dorm Facility  
FLOOR PLAN 3,000 SF



E N G I N E E R I N G

RECEIVED

APR 05 2011

CHAMPAIGN CO. P & Z DEPARTMENT

March 28, 2011

No. 111-1101

Pastor David Rogers  
Apostolic Life Church  
2107 N. High Cross Road  
Urbana, IL 61802

RE: **Drainage Review of New Building & Parking Lot Expansion**  
2107 N. High Cross Road, Urbana, Illinois

Dear Pastor Rogers:

At your request we have reviewed the existing drainage patterns of the referenced property and the impact that the new improvements would have on stormwater drainage. The following is the results of our review:

Existing Conditions

The existing 4.6-acre property contains several buildings and a substantial amount of parking and driveway areas. We estimate that approximately 2.4 acres of impervious area is present at the site. The site is well drained by a storm sewer system with several catch basins located in the parking lots. The storm sewer discharges to a tile flowing westerly, outleting at the Saline Branch Drainage Ditch. No stormwater detention is apparent at the site. The surface flow of the property is generally to the east towards High Cross Road. If the existing storm sewer system would surcharge, the stormwater would overland flow to the east outleting into an agricultural swale located on the east side of High Cross Road.

Proposed Improvements

A new 3000 sf building, sidewalk and parking lot expansion is proposed (see attached plan). This would create approximately 10,000 sf of additional impervious area. The proposed area of new improvements is located at the highest point of the property. The drainage flow from this area is generally to the east.

Recommendations

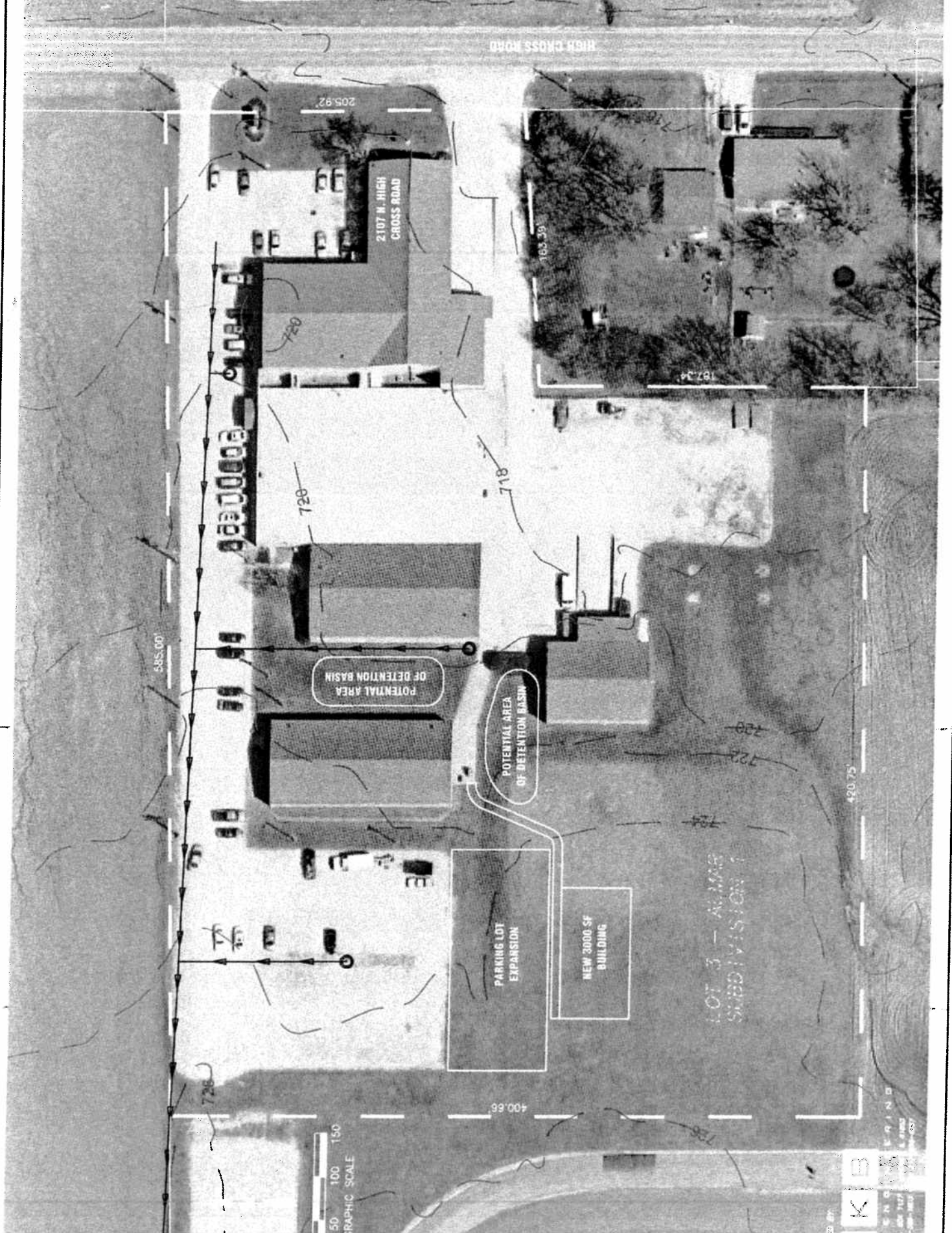
We recommend providing a stormwater detention basin downstream of the new improvements. On the attached plan, we've identified two areas of sufficient size and properly located to serve this purpose. Either basin could easily discharge into the existing catch basin located between the two areas. It is our opinion that a detention basin designed and constructed in accordance the Champaign County Stormwater Management Policy would minimize any negative effects on the subject property and downstream properties from the construction of the proposed improvements.

Please do not hesitate to call with any questions. Thank you.

Sincerely,  
BKB Engineering, Inc.

Bryan K. Bradshaw, PE, PLS





HIGH CROSS ROAD

205.92'

2107 N. HIGH CROSS ROAD

163.39'

182.34'

720'

718'

585.00'

POTENTIAL AREA OF DETENTION BASIN

POTENTIAL AREA OF DETENTION BASIN

PARKING LOT EXPANSION

NEW 3000 SF BUILDING

LOT 3 - ADAMS SUBDIVISION 1

420.75'

400.66'

0 50 100 150  
GRAPHIC SCALE

ENGINEERING  
ALL WORK SHALL BE IN ACCORDANCE WITH THE  
PROVISIONS OF THE  
STATE OF CALIFORNIA  
REGISTERED PROFESSIONAL ENGINEER  
No. 1117  
1775-18th ST.  
SAN FRANCISCO, CA 94118  
415-774-1007



Certified Professional Soil Scientist  
A Federation of Certifying Boards in Agriculture,  
Biology, Earth and Environmental Sciences  
Administered by: SOIL SCIENCE SOCIETY OF AMERICA

**Wiley Scott**  
411 Dorchester Drive  
Mahomet, Illinois  
61853-9539

Certified Professional Soil Classifier  
ILLINOIS SOIL CLASSIFIERS ASSOCIATION



**Phone:** (217)586-4233

**Soil Consulting Service**

**soil and site investigations**

RECEIVED

March 21, 2011

APR 05 2011

CHAMPAIGN CO. P & Z DEPARTMENT

David Rogers  
Apostolic Life, United Pentecostal Church  
P.O. Box 3332  
Urbana, Illinois 61803

Re: Job No. 11AL1

Dear David:

Enclosed is the report of the two soil characterization borings for the leach field for your proposed dormitory at Apostolic Life.

The absorption rate to be used to determine the size of the field will depend on the depth of the bottom of the trenches in the laterals. An absorption rate of 0.45 gallons per square foot per day can be used if the bottom of the trenches are no deeper than eighteen inches in the natural soil on the west side of the lot. The soil in boring no. 2 has unstructured, firm glacial till at a depth of forty-two inches, and that would reduce the absorption rate to 0.27 gallons per square foot per day.

The natural soils (without fill) have a seasonally high water table at a depth of eleven inches below the soil surface. A water table is defined in the septic code as a limiting layer. You might consider lowering the water table by installing a field tile around the perimeter of leach field no. 1, and around the west end of field no. 2. Such a drain must be at least ten feet from the laterals and should be at least two feet deeper than the bottom of the trenches, and must lead to a suitable outlet.

If you have any questions, please call me.

Sincerely,

Wiley Scott, CPSS/SC

cc: Jim Roberts, Champaign County Health Department

REPORT OF SOIL INVESTIGATIONS  
 FOR  
 APOSTOLIC LIFE, UNITED PENTECOSTAL CHURCH  
 JOB NO. 11AL1  
 BY WILEY SCOTT, CPSS/SC; March 21, 2011

**WILEY SCOTT**  
 411 Dorchester Dr.  
 Mahomet, IL 61853-9539

This soil investigation is made to characterize the soils to determine the suitability for a septic leach field for a dormitory at the Apostolic Life site at 2107 High Cross Road, Urbana, Illinois. This is in the NE ¼ of the SE ¼, Sec. 3, T. 19 N., R. 9 E.. The church plans to build a dormitory for men in a drug rehabilitation program. The Champaign County Health Department estimated the generation of 4,500 gallons of waste water per day at maximum usage. I investigated an area for a proposed leach field south of the proposed new dormitory near the west side of the church property. The area I investigated is nearly level and is on fill soil that is thickest on the east side and tapers out to natural soil with no fill on the west side. There are wire survey stakes with orange flags at the location of the two soil borings I described. This dormitory will be served by city water. The location of the proposed leach field, the proposed dormitory, and other features are shown in a diagram at the end of this report.

This area is in a map unit of 236A Sabina silt loam, 0 to 3 percent slopes on the Soil Survey of Champaign County, Illinois, issued in March, 1982

For each boring the report will state the applicable depth in inches, then the soil group for that soil depth. Soil groups are given in Exhibit B, Illustration M, Section 905 - Appendix A of the Private Sewage Disposal Licensing Act and Code, Illinois Department of Public Health, 2003. For example, an entry of 6D/2 means the soil group is 6D, and the minimum separation from the bottom of the trench to any limiting layer should be two feet. The next entry is the allowable application rate in GPD/ft<sup>2</sup>. The size of the leach field is determined by using the slowest application rate within the soil profile to a depth of two feet below the bottom on the trenches. The last column gives a short description of the soil in each layer. The last entry is the identification and location of any limiting layers (LL), such as very slow absorption rate or seasonally high water table.

1. South of the east end of the proposed dormitory; 170 feet south of the southwest corner of the steel building east of the gravel parking lot on the northwest side of the property. Somewhat poorly drained and moderately slowly permeable.
 

0-42 inches	6L/2	0.45	fill soil with mixed colors and textures; dominantly clay loam and silty clay loam, few pebbles, structureless, friable
42-47 inches	5A/2	0.52*	silt loam buried surface soil; weak granular structure, firm (slightly compact)
47-53 inches	6E/2	0.52	silty clay loam subsoil of buried soil; mod. structure, firm
53-63 inches	6D/2	0.62	silty clay loam subsoil of buried soil; mod. structure, friable LL: seasonally high wt/53" as indicated by gray colors in the buried natural soil

\* compaction in the buried surface soil reduces the absorption rate.

2. West of the proposed dormitory; 146 feet west and 75 feet south of the southwest corner of the steel building east of the gravel parking lot on the northwest side of the property. Somewhat poorly drained and moderately slowly permeable.
 

0-7 inches	5A/2	0.62	silt loam surface soil; moderate granular structure, friable
7-11 inches	6D/2	0.62	silty clay loam subsurface soil; mod. blocky str., friable

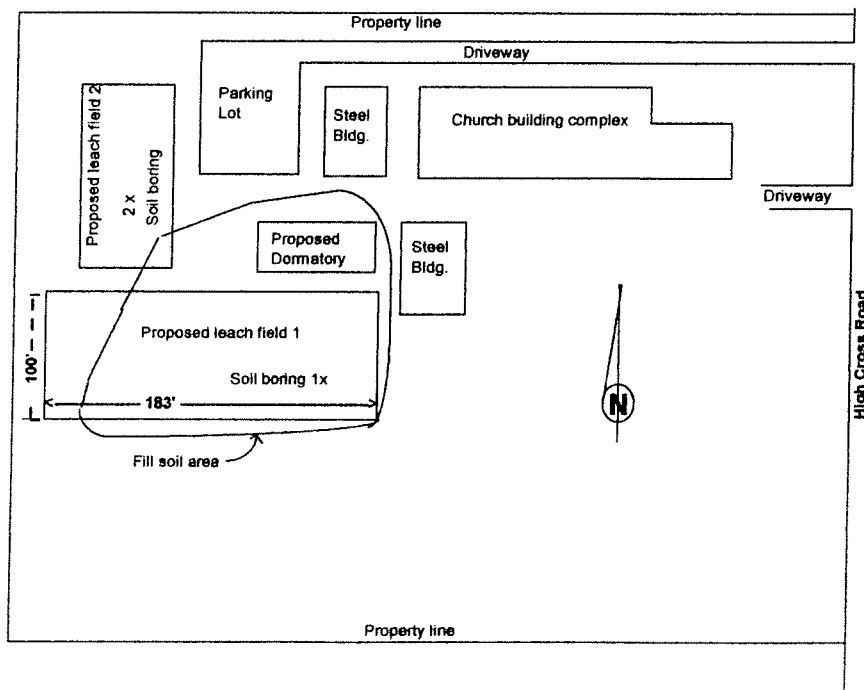
REPORT OF SOIL INVESTIGATIONS  
 FOR  
 APOSTOLIC LIFE, UNITED PENTECOSTAL CHURCH  
 JOB NO. 11AL1  
 BY WILEY SCOTT, CPSS/SC; March 21, 2011

**WILEY SCOTT**  
 411 Dorchester Dr.  
 Mahomet, IL 61853-9539

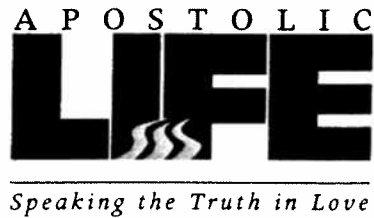
11-30 inches	7D/2	0.45	silty clay loam (>35% clay) subsoil; mod. structure, friable
30-37 inches	6D/2	0.62	clay loam (waterlaid, <35% clay) subsoil; mod. structure, friable, calcareous, weak effervescence
37-42 inches	5M/2	0.45	loam (till) subsoil; weak structure, friable, calcareous, moderate effervescence
42-62 inches	5N/2	0.27	loam (till) substratum; structureless, firm, calcareous, strong effervescence

LL: seasonally high wt/11" as indicated by gray colors

Site diagram: not to scale



P.O. Box 3332  
Urbana, Illinois 61803  
2107 High Cross Road  
Urbana, Illinois 61802



Pastor D.L. Rogers  
Tel 217.367.LIFE  
Fax 217.367.5432  
www.ApostolicLife.org

May 12, 2011

RECEIVED

MAY 13 2011

CHAMPAIGN CO. P & Z DEPARTMENT

Director John Hall  
Champaign County Zoning Administrator  
Brookens Administration Center  
1776 E Washington Street  
Urbana, Illinois 61802

Dear Director Hall:

In reply to your letter concerning our Application for a Special Use Permit for a Residential Recovery Center; we have attempted to provide the additional information and documents you recommended as follows:

1. The proposed additional parking indicated on the site plan would be 14 spaces.
2. The approximate locations of the existing septic tanks and field systems are now indicated on the "updated" site plan attached. Also added to the "updated" site plan are: location of existing sign and existing dusk to dawn security lights serviced by Ameren.
3. The "Proposed RRC Dormitory" is now indicated on the "updated" site plan.
4. A diagram of the floor plan of proposed dormitory is attached. We understand the standard condition #2 of the Zoning Ordinance amendment and that the maximum number of residents for the proposed project is 24. We will not request a waiver of this standard condition at this time.
5. Attached is a recommendation for a septic system for the proposed use from Dale Shipley, Shipley Backhoe Service of Philo. (license # 049-006141). Also pending is a recommendation from Steve Johnson of J & S Wastewater Systems of Urbana.

We have provided a copy of the soil investigation report, the proposed site plan, and the recommendations for a septic system to Jeff Blackford of the Champaign County Health Department and have requested a written or email comment regarding feasibility.

6. The RRC will have a responsible and qualified staff member providing onsite supervision 24/7. A responsible Dorm Leader will also be residing in the proposed dorm.
7. Attached is an email correspondence of Sarah Michaels of the Champaign county Health Department and myself. It is in regards to the proposed food service and compliance with condition #4b of the Zoning Ordinance amendment.
8. Attached is a copy of a letter from Theadora Binion Taylor, Director of DHS – Division of Alcoholism and Substance Abuse, Illinois Department of Human Services: this indicates their determination concerning our requirement concerning licensure.

Also attached is payment of \$520.00 for the application fee.

Please advise if any additional information is needed at this time. Also; if you would respond concerning the tentative "schedule" of hearings that we would need to attend (as nearly as you can predict) so we can plan accordingly.

Thank you for your guidance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "D L Rogers". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Pastor D L Rogers  
Apostolic Life Church

Pat Quinn, Governor



Grace Hong Duffin, Acting Secretary

Division of Alcoholism and Substance Abuse  
100 West Randolph, Suite 5-600  
Chicago, IL 60601-3224

RECEIVED

MAY 13 2011

CHAMPAIGN CO. P & Z DEPARTMENT

September 3, 2010

D.L. Rogers, Pastor  
Apostolic Life Church  
2107 North High Cross Road  
Urbana, Illinois 61802

Dear Pastor Rogers:

Thank you for clarifying the activities that your church engages in response to our letter of inquiry of August 3, 2010. Department staff have determined that you are not engaged in activities requiring licensing under 77 ILL. Adm. Code 2060, Alcoholism and Substance Abuse Treatment and Intervention Licenses. Of concern however is your use of the term "Residential Recovery Center." The Department has licensure categories "Residential Rehabilitation" and "Recovery Home" which are so similar that we are concerned that the public may have the impression that you are providing licensable services.

We strongly recommend that you change the terminology that you are currently using as to more accurately describe your faith based activities.

If you have any questions, please contact Dennis Wojtulewicz at 312-814-4917.

Sincerely,

A handwritten signature in black ink that reads "Theodora Binion Taylor". The signature is written in a cursive, flowing style.

Theodora Binion Taylor, Director  
DHS-Division of Alcoholism and Substance Abuse

RECEIVED

MAY 13 2011

CHAMPAIGN CO. P & Z DEPARTMENT

5-9-11 Dave Rogers

A Septic system designed for  
the housing of 24 men without a kitchen,  
a water usage of 3,600 gallons a day.  
a 3,000 gallon septic tank that discharges  
into a 20' x 50' sand filter following  
through a chlorine feeder, through a 100  
gallon chlorine tank into a 1,500 pump  
tank that discharges into the proposed  
retention pond

Thank Dale Shipley  
license # 049-006141



**D. L. Rogers**

---

**From:** Sarah Michaels [smichaels@c-uphd.org]  
**Sent:** Wednesday, May 11, 2011 8:06 AM  
**To:** D. L. Rogers  
**Subject:** RE: Apostolic Life

RECEIVED

MAY 13 2011

CHAMPAIGN CO. P & Z DEPARTMENT

That is correct. If the kitchen is used for the resident's personal use only, no permit is needed. If at any time the meals are prepared by staff, for the residents, a health permit will be required. Please call with any other questions.

*Sarah Michaels*  
*Champaign-Urbana Public Health District*  
*Program Coordinator*  
*201 W. Kenyon Road*  
*Champaign, IL 61820*  
*(217) 531-2907*

---

**From:** D. L. Rogers [mailto:pastorrogers1@comcast.net]  
**Sent:** Tuesday, May 10, 2011 12:37 PM  
**To:** Sarah Michaels  
**Subject:** Apostolic Life

Sarah: thank you for your assistance and explanation concerning proposed food service for lifeline-connect Residential Recovery Center at Apostolic Life Church in Urbana. As per our conversation; all food service, meal and snack preparation, etc is conducted by the residents themselves for personal consumption. Therefore; it is our understanding that no permit from your department will be necessary for our operations.

Thank you,

Pastor D L Rogers  
Apostolic Life Church  
Lifeline-connect

Sec. 10.06.

To enter into contracts for construction management or supervision on all projects constructed by or under the supervision of the Board.

(Source: P. A. 77-1995.)

(20 ILCS 3105/10.07) (from Ch. 127, par. 780.07)

Sec. 10.07.

To enter into contracts for professional services for planning, testing, design or consulting on all projects constructed by or under the supervision of the Board.

(Source: P. A. 77-1995.)

(20 ILCS 3105/10.08) (from Ch. 127, par. 780.08)

Sec. 10.08. To prepare, or cause to be prepared, comprehensive plans for the development of real property involving any project to be constructed by or to be supervised by the Board.

(Source: P.A. 79-1098.)

(20 ILCS 3105/10.09) (from Ch. 127, par. 780.09)

Sec. 10.09.

To recommend to the General Assembly comprehensive building construction codes and to review and recommend any necessary revisions to existing codes.

(Source: P. A. 77-1995.)

(20 ILCS 3105/10.09-1)

Sec. 10.09-1. Adoption of building code; enforcement.

(a) After July 1, 2011, no person may occupy a newly constructed commercial building in a non-building code jurisdiction until:

(1) The property owner or his or her agent has first contracted for the inspection of the building by an inspector who meets the qualifications established by the Board; and

(2) The qualified inspector files a certification of inspection with the municipality or county having such jurisdiction over the property indicating that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:

(A) The 2006 or later editions of the following codes developed by the International Code Council:

- (i) International Building Code;
- (ii) International Existing Building Code; and
- (iii) International Property Maintenance Code.

(B) The 2008 or later edition of the National Electrical Code NFPA 70.

(b) This Section does not apply to any area in a municipality or county having jurisdiction that has registered its adopted building code with the Board as required by Section 55 of the Illinois Building Commission Act.

(c) The qualification requirements of this Section do not apply to building enforcement personnel employed by

PA 96-70f

jurisdictions as defined in subsection (b).

(d) For purposes of this Section:

"Commercial building" means any building other than a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or townhomes or a farm building as exempted from Section 3 of the Illinois Architecture Practice Act.

"Newly constructed commercial building" means any commercial building for which original construction has commenced on or after July 1, 2011.

"Non-building code jurisdiction" means any area of the State not subject to a building code imposed by either a county or municipality.

"Qualified inspector" means an individual qualified by the State of Illinois, certified by a nationally recognized building official certification organization, qualified by an apprentice program certified by the Bureau of Apprentice Training, or who has filed verification of inspection experience according to rules adopted by the Board for the purposes of conducting inspections in non-building code jurisdictions.

(e) New residential construction is exempt from this Section and is defined as any original construction of a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or townhomes in accordance with the Illinois Residential Building Code Act.

(f) Local governments may establish agreements with other governmental entities within the State to issue permits and enforce building codes and may hire third-party providers that are qualified in accordance with this Section to provide inspection services.

(g) This Section does not regulate any other statutorily authorized code or regulation administered by State agencies. These include without limitation the Illinois Plumbing Code, the Illinois Environmental Barriers Act, the International Energy Conservation Code, and administrative rules adopted by the Office of the State Fire Marshal.

(h) This Section applies beginning July 1, 2011.

(Source: P.A. 96-704, eff. 1-1-10.)

(20 ILCS 3105/10.09-5)

Sec. 10.09-5. Standards for an energy code. To adopt rules implementing a statewide energy code for the construction or repair of State facilities described in Section 4.01. The energy code adopted by the Board shall incorporate standards promulgated by the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc., (ASHRAE). In proposing rules, the Board shall consult with the Department of Commerce and Economic Opportunity.

(Source: P.A. 93-190, eff. 7-14-03; 94-793, eff. 5-19-06; 94-815, eff. 5-26-06.)

(20 ILCS 3105/10.10) (from Ch. 127, par. 780.10)  
Sec. 10.10.

**PRELIMINARY**

**691-S-11**

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

---

Final Determination: { *GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED* }

Date: June 30, 2011

Petitioners: Pastor David L. Rogers and the Apostolic Life UPC Church

Request: Authorize the following on land in the AG-2 Agriculture Zoning District:

- (1) the Apostolic Life UPC Church as a special use; and
- (2) the establishment and use of a “Residential Recovery Center” as a second special use.

---

*PRELIMINARY*

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 30, 2011**, the Zoning Board of Appeals of Champaign County finds that:

1. The Apostolic Life UPC Church owns the subject property and the co-petitioner Pastor David L. Rogers is the pastor.
2. The subject property is Lot 3 of the Almar First Subdivision in the Northeast Quarter of Section 3 of Urbana Township and commonly known as the Apostolic Life UPC Church located at 2107 High Cross Road, Urbana.
3. The subject property is located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ, however they do receive notice of such cases and they are invited to comment.

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

4. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is zoned AG-2 Agriculture and is in use as the Apostolic Life UPC Church (legal nonconforming).
  - B. Land to the north is zoned R-1 Single Family Residence and is in use for agriculture (row crops).
  - C. Land on the east side of the subject property that is in use for single family dwellings (on the west side of High Cross Road) that are in the R-1 Single Family Residence zoning district and land on the other side of High Cross Road is zoned AG-2 Agriculture and is in use for agriculture.
  - D. Land on the south side of the subject property is zoned R-1 Single Family Residence and is in use as single family dwellings and the lawn of the Harvest Church located to the west.
  - E. Land to the west of the subject property is zoned AG-2 Agriculture and is the property of the Harvest Church (legal nonconforming).

***GENERALLY REGARDING THE PROPOSED SPECIAL USE***

5. Regarding site plan and operations of the existing Church and the proposed Residential Recovery Center:
  - A. The proposed site plan shows the entirety of the subject property and includes the following:

- B. Information regarding the operations of Lifeline-connect is provided on their website ([www.uitsfarm.com](http://www.uitsfarm.com)), and is summarized as follows:

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a RESIDENTIAL RECOVERY CENTER as a Special Use in the AG-2 Agriculture Zoning District in the *Zoning Ordinance*:
- A. Section 5.2 authorizes RESIDENTIAL RECOVERY CENTER as a Special Use only in the AG-2 Zoning District and footnote 19 limits the authorized locations to (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.
- B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
  - (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
  - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
  - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
  - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Subsection 6.1.3 indicates the following standard conditions for RESIDENTIAL RECOVERY CENTER (\* the numbering is the same as in the Ordinance):
- \*1. The proposed RESIDENTIAL RECOVERY CENTER must be located as follows:
    - \*a. The subject property must be served by public transportation; and

**PRELIMINARY**

- \*b. The associated church or temple must occupy a building which predominantly existed on October 10, 1973.
  - \*2. The maximum number of residents allowed at one time shall be the smaller of the following numbers:
    - \*a. 10% of the maximum occupancy of the main worship area of the associated church or temple; or
    - \*b. 30.
  - \*3. The minimum required lot area shall be:
    - \*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.
  - \*4. The proposed RESIDENTIAL RECOVERY CENTER shall be operated as follows:
    - \*a. A responsible and qualified staff person must be onsite to provide supervision 24 hours per day, seven days per week; and
    - \*b. All onsite food service shall be compliant with the Champaign County Health Ordinance; and
    - \*c. 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.
  - \*5. No person may occupy a RESIDENTIAL RECOVERY CENTER until a qualified inspector (as defined in 20 ILCS 3105/10.09-1) files a certification that the building complies with the 2006 edition of the International Building Code.
- (3) Paragraph 7.4.1 C.3.i. establishes the parking requirements for a RESIDENTIAL RECOVERY CENTER and states that parking spaces for a RESIDENTIAL RECOVERY CENTER shall only be required for the number of vehicles proposed to be authorized in the Special Use Permit application.
- D. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Waivers of standard conditions are subject to findings (1) that the waiver is in

accordance with the general purpose and intent of the ordinance and (2) will not be injurious to the neighborhood or to the public health, safety, and welfare.

- E. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
  - (2) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.
  - (3) “RESIDENTIAL RECOVERY CENTER” is 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.
  - (4) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
  - (5) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare;
  - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- G. Paragraph 9.1.11.D.1. provides that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require



*PRELIMINARY*

a variance. Waivers of standard conditions are subject to findings (1) that the waiver is in accordance with the general purpose and intent of the ordinance and (2) will not be injurious to the neighborhood or to the public health, safety, and welfare.

- H. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

*GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION*

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“So Apostolic Life Church & Lifeline-connect ministries can continue to provide Christian training, teaching, and a residential recovery center.”**

*GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE*

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“No significant increase to: traffic, noise, outside lighting. No negative effects on adjacent properties in regards to stormwater (see attachment from BKB Engineering).”**
- B. Regarding surface drainage:

*Evidence to be added.*

- C. The subject property is accessed from High Cross Road on the east side of the property. Regarding the general traffic conditions on High Cross Road at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- (1) The Illinois Department of Transportation (IDOT) measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The AADT of High Cross Road is...
- (2) High Cross Road is indicated as a Minor Arterial Street by the Urbana Comprehensive Plan.

(3) The Township Highway Commissioner has been notified of this case.

D. Regarding fire protection of the subject property, the subject property is within the protection area of the Carroll Fire Protection District and is located approximately 2.5 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.

E. The subject property is not located within a Special Flood Hazard Area.

F. Regarding outdoor lighting on the subject property, no new outdoor lighting is proposed to be added.

G. Regarding subsurface drainage on the subject property:

*Evidence to be added.*

H. Regarding wastewater treatment and disposal on the subject property:

*Evidence to be added.*

I. Regarding parking for the proposed Residential Recovery Center:

II.

*Evidence to be added.*

J. Regarding food sanitation and public health considerations related to the proposed Special Use:

*Evidence to be added.*

K. Regarding life safety considerations related to the proposed Special Use:

(1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:

(a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.

(b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.

*PRELIMINARY*

- (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
- (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
- (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required. There is no information regarding the cost of the pole barn that is used to house the farm dinners in inclement weather, so it is unclear if that will trigger the requirements of the IEBA.
- (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
- (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.

- L. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

***GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT***

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
  - A. The Petitioner has testified on the application, **“Yes, because Apostolic Life is an existing church, the property is served by public transportation and will comply with all standard conditions.”**
  - B. Regarding compliance with the *Zoning Ordinance*:
    - (1) The definition of a RESIDENTIAL RECOVERY CENTER in Section 3.0 of the *Zoning Ordinance* (see Item 6.D.(6), above) states ...

*Evidence to be added*

- (2) RESIDENTIAL RECOVERY CENTER is authorized only by Special Use Permit and only in the AG-2 Agriculture Zoning District and only 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. Regarding compliance of the proposed RESIDENTIAL RECOVERY CENTER with these specific locational requirements:

*Evidence to be added*

- (3) Regarding parking on the subject property for the Apostolic Life UPC Church:
  - (a) Paragraph 7.4.1 C.3.b.ii. requires that places of infrequent public assembly including churches and other enclosed STRUCTURES shall provide one parking space for each five seats provided for patron use or at least one parking space for each 200 square feet of floor area, whichever requires the greater number of parking spaces.
  - (b) The Change of Use Permit for the original conversion of this property to a church was Change of Use Permit 8809 (application 115-96-02) that was approved on 6/14/96. Permit 8809 approved the proposed site plan with 114 parking spaces which appear to still be present on the property today.

**PRELIMINARY**

- (4) Regarding parking on the subject property for the proposed RESIDENTIAL RECOVERY CENTER:
- (a) Paragraph 7.4.1 C.3.i. establishes the parking requirements for a RESIDENTIAL RECOVERY CENTER and states that parking spaces for a RESIDENTIAL RECOVERY CENTER shall only be required for the number of vehicles proposed to be authorized in the Special Use Permit application.
  - (b) The proposed site plan received on May 13, 2011, indicates 14 proposed additional parking spaces.

*Evidence to be added*

- (5) Regarding compliance with standard conditions of approval for RESIDENTIAL RECOVERY CENTER indicated in Section 6.1.3, as follows:

*Evidence to be added*

- C. Regarding compliance with the *Stormwater Management Policy*:

*Evidence to be added*

- D. Regarding the Special Flood Hazard Areas Ordinance, no part of the subject property is located in the Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property is located in the City of Urbana subdivision jurisdiction and no subdivision is proposed or required.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:

*Evidence to be added*

- G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

***GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE***

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
  - A. RESIDENTIAL RECOVERY CENTER is authorized only by Special Use Permit and only in the AG-2 Agriculture Zoning District and only 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, provided all other zoning requirements and standard conditions are met or waived.
  - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.14 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
    - (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
  - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
    - (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
      - (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
    - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
      - (a) In regards to the value of nearby properties, it is unclear what impact the proposed SUP will have on the value of nearby properties.
    - (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

*PRELIMINARY*

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
  - (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.
- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The subject property is located in the AG-2 Agriculture District and is, by definition, a rural use.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features and there are no natural features in the vicinity of the subject property.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The subject property is located in the AG-2 Agriculture District and is, by definition, a rural use.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The subject property is located in the AG-2 Agriculture District and is, by definition, a rural use.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE**

- 11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
  - A. The Petitioner has testified on the application, “Yes”.
  - B. The Apostolic Life UPC Church is an existing NONCONFORMING USE because it is an existing church and was established at this location before the adoption of Ordinance No. 660 (Case 341-AT-02) on August 20, 2002, that amended the Zoning Ordinance to require a special use permit for a church in the AG-2 District.



**PRELIMINARY**

- C. The Apostolic Life UPC Church could continue in operation without a special use permit until such time as there is an expansion. The proposed RESIDENTIAL RECOVERY CENTER is an expansion of the Apostolic Life UPC Church and therefore the special use permit is required for the Apostolic Life UPC Church in addition to the special use permit required for the proposed RESIDENTIAL RECOVERY CENTER.

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

- 12. Regarding proposed special conditions of approval:
  - A. **A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**
  - B. **Regarding State of Illinois accessibility requirements:**
    - (1) **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the new building will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**
    - (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act;**
  - C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed Residential Recovery Center dormitory until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

**DOCUMENTS OF RECORD**

1. Special Use Permit Application received on April 5, 2011, and amended on May 13, 2011, with attachments:
  - A Proposed site plan received May 13, 2011
  - B Drainage review of new building & parking lot expansion by Bryan K. Bradshaw dated March 28, 2011
  - C Soil characterization report and borings by Wiley Scott Soil Consulting Service dated March 21, 2011
  - D Letter from Pastor David L. Rogers received on May 13, 2011
  - E Letter dated September 3, 2010, from Theodora Binion Taylor, Director, Illinois Department of Human Services Division of Alcoholism and Substance Abuse, to Pastor D. L. Rogers
  - F Lifeline-connect RRC Dorm Facility Floor Plan received May 13, 2011
  - G Description of proposed septic system written by Dale Shiply and received on May 13, 2011
  - H Copy of May 11, 2011, email regarding proposed food service from Sarah Michaels, Champaign-Urbana Public Health District/ Champaign County Health Department
  
2. Preliminary Memorandum with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Ordinance No. 870 (Case 668-AT-10)
  - C Table of Applicant Submittals
  - D Table Summarizing Compliance With Locational Requirements and Standard Conditions
  - E Aerial photograph from 1973
  - F Approved site plan for Case 749-S-91 (with notes regarding building area)
  - G Excerpt of approved site plan for Zoning Use Permit 115-96-02
  - H Proposed site plan received May 13, 2011
  - I Proposed Lifeline-connect RRC Dorm Facility Floor Plan received May 13, 2011
  - J Drainage review of new building & parking lot expansion by Bryan K. Bradshaw dated March 28, 2011
  - K Soil characterization report by Wiley Scott Soil Consulting Service dated March 21, 2011
  - L Letter from Pastor David L. Rogers received on May 13, 2011
  - M Letter dated September 3, 2010, from Theodora Binion Taylor, Director, Illinois Department of Human Services Division of Alcoholism and Substance Abuse, to Pastor D. L. Rogers
  - N Description of proposed septic system written by Dale Shiply and received on May 13, 2011
  - O Copy of May 11, 2011, email regarding proposed food service from Sarah Michaels, Champaign-Urbana Public Health District/ Champaign County Health Department
  - P Public Act 96-074
  - Q IDOT Map of Annual Average Daily Traffic in vicinity of subject property
  - R Draft Summary of Evidence, Finding of Fact, and Final Determination for Zoning Case 691-S-11

**PRELIMINARY**

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 691-S-11 held on **June 30, 2011**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN {IS / IS NOT}}*** necessary for the public convenience at this location because:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL NOT / WILL}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
  - a. The street has ***{ADEQUATE / INADEQUATE}*** traffic capacity and the entrance location has ***{ADEQUATE / INADEQUATE}*** visibility.
  - b. Emergency services availability is ***{ADEQUATE / INADEQUATE} {because\*}***:  
\_\_\_\_\_  
\_\_\_\_\_
  - c. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
  - d. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses ***{because\*}***:  
\_\_\_\_\_  
\_\_\_\_\_
  - e. Surface and subsurface drainage will be ***{ADEQUATE / INADEQUATE} {because\*}***:  
\_\_\_\_\_  
\_\_\_\_\_
  - f. Public safety will be ***{ADEQUATE / INADEQUATE} {because\*}***:  
\_\_\_\_\_  
\_\_\_\_\_
  - h. The provisions for parking will be ***{ADEQUATE / INADEQUATE} {because\*}***:  
\_\_\_\_\_  
\_\_\_\_\_
  - i. *(Note the Board may include other relevant considerations as necessary or desirable in each case.)*

\*The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located because:
  - a. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
  - b. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses.
  - c. Public safety will be ***{ADEQUATE / INADEQUATE}***.
4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
  - a. The Special Use is authorized in the District.
  - b. The requested Special Use Permit ***{IS/ IS NOT}*** necessary for the public convenience at this location.
  - c. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL / WILL NOT}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
  - d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use ***{IS/ IS NOT}*** an existing nonconforming use and the requested Special Use Permit ***{WILL/ WILL NOT}*** make the existing use more compatible with its surroundings ***{because: \*}***
6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW}***

\*The Board may include additional justification if desired, but it is not required.

**FINAL DETERMINATION**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval { *HAVE/ HAVE NOT* } been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case 691-S-11 is hereby { *GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED* } to the applicants to **Pastor David L. Rogers and the Apostolic Life UPC Church** authorize **(1) the Apostolic Life UPC Church as a special use and (2) the establishment and use of a “Residential Recovery Center” as a second special use** { *SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:* }

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

SIGNED:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date