

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 25, 2002

TIME: 7:30 P.M.

PLACE: Urbana City Building
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Christopher Alix, Alan Douglas, Laurie Goscha, Lew Hopkins, Michael Pollock, Joseph Rank

MEMBERS EXCUSED: Randy Kangas, Bernadine Stake, Marilyn Upah-Bant

STAFF PRESENT: Libby Tyler, CD Director; Michaela Bell, Planner; Teri Andel, Secretary

OTHERS PRESENT: Peter Havranek, Andrew Kwon, Esther Patt, Anthony Ptak, Ruth Wyman

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 7:35 p.m., the roll call was taken, and a quorum was declared.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

Mr. Douglas moved to approve the minutes from the meeting held on July 11, 2002. Mr. Hopkins seconded the motion. The minutes were approved by unanimous vote.

4. COMMUNICATIONS

Lakeside Terrace Redevelopment Focus Group Agendas for meetings to be held on July 31, 2002, August 14, 2002 and August 28, 2002.

5. CONTINUED PUBLIC HEARINGS

Plan Case #1824-T-02: Request by the Urbana Zoning Administrator to Amend Section II-3, Definitions and Table V-1, Table of Uses of the Urbana Zoning Ordinance to add “Methadone Treatment Facility”.

Libby Tyler, Director of Community Development Services Department, presented an updated version of the staff report. She talked about the proposed amendment by explaining the definition of “Methadone Treatment Facility” and by discussing Table V-1, Table of Uses. Ms. Tyler reviewed the regulations or conditions that could be considered for Special Use Permits for methadone treatment facilities. She summarized staff findings and read the options of the Plan Commission. She noted that based on the evidence presented in the written staff report and in the previous presentation, and without the benefit of considering additional evidence that may be presented during the rest of this public hearing, staff recommended that the Commission recommend approval of the proposed text amendment to the Zoning Ordinance.

Andrew Kwon, resident of the City of Urbana, handed out a letter from John Joyce and a list of information on methadone. He mentioned that he had some relations with people in the drug-rehabilitation field. Mr. Kwon stated that the slide presentation that had been presented by Julie Pryde at an Urbana Business Alliance meeting was very generalized. He referred to the following slides giving more information than in the original presentation:

- **What is Addiction? (On page 1).** Mr. Kwon made reference to the list of information, which he handed out (copy attached). He quoted the following: *The goal for methadone was never a cure. According to one of the original researchers investigating methadone. The goal is not abstinence; the goal is to become functional.* He noted that the goal of rehabilitating drug addicts must always be a true cure. If that stops being the goal of drug rehabilitation, then the number of addicts of both methadone and heroin in this community are only going to increase.
- **“Normal” Balance of Opiate Receptors and Endorphins, Chemical Imbalance between Endorphin & Receptor, and Missing Endorphin replaced with Illicit Opiates. (On page 2).** Mr. Kwon stated that these three slides basically talked about how chemical imbalances are the target of methadone maintenance. He felt that one misconception in a lot of drug rehabilitation facilities is the attitude that the solution to a person’s drug addiction is to handle the balance the chemicals in that person’s nervous system. He mentioned that any legal and/or abused drug, with the exception of alcohol, is fat-soluble. Therefore, some of the drugs will be absorbed into the fat. As time goes by in rehabilitation, a person will no longer feel the effects of the drug. However, some of the drug will still be in their body in the fat cells. While residing in the fat cells, the drug will burn up the vitamins and minerals inside the body. When this person becomes hot and begins to sweat, their body will begin to burn this fat as energy. The drug residuals locked in

those fat cells will reenter the bloodstream. Thus, the person will have a craving for the drug.

- **Safety of MMT. (On page 5).** Although Mr. Kwon did not disagree with this information, he felt it was misleading. He again quoted from the list of information by saying that, *“Despite the fact that unadulterated street heroin has many more users, methadone actually kills more people. Between 1982 and 1992, deaths by methadone increased by over 710% from 16 deaths to 131 in England”*.

Mr. Kwon read the letter written by John Joyce (copy attached). He added that the more drugs that a person puts into their body, the less chance that that person has of getting off of that drug, unless they get the drug residuals out. He does not see anything in the methadone treatment program that addresses that. He only sees more addictive drugs going into a person’s system. Methadone is more addictive than heroin.

Peter Havranek, resident of Champaign, is in the process of moving his business, Magnetic Impact, to downtown Urbana. He chose this location because there are many good quality businesses in Urbana and because there is a lot of effort to make and build a big business community. He is concerned that if a methadone treatment facility would appear close to the downtown area, then it would be a big detriment to all the businesses. He handed out and read a letter from one of his clients, Gennaro Marino, Ph.D., P.E., regarding methadone (copy attached). Mr. Havranek felt that there are good businesses already in downtown Urbana and the City is trying to get more businesses to come in. A methadone treatment facility would increase the crime rate and make it less appealing for both consumers and new business owners to move into the area. There is a purpose why the downtown area is zoned the way it is, and that purpose is to keep such things out of there so that the City can have a good thriving business community in the downtown area.

Anthony Ptak, of 308 Sunnycrest Court, stated that his understanding was that methadone was traded on the streets for other drugs. Although he is not opposed to drug treatment, he is opposed to methadone treatment. He is also concerned with the transient population that a methadone treatment facility would attract. He does not like the idea of Urbana becoming the dumping grounds for Chicago. A methadone treatment facility would not be good for business owners as well as citizens who like to shop downtown Urbana.

Mr. Rank observed that the sentiment of the public as expressed during this evening’s and May’s public hearings was that the proposed land use was inappropriate for the City of Urbana under any circumstances. He asked staff if there had been any communities that had written this specific use as an excluded use in their Zoning Ordinance and gotten away with it? Ms. Tyler recalled one community that had regulated so that a methadone treatment facility would not be allowed in a particular location where it had been proposed. It went to court, and the community lost the lawsuit. The Americans With Disabilities Act (ADA) was the basis used in the ruling.

Mr. Rank stated that there are two extremes, which are as follows: 1) to totally exclude methadone treatment facilities in the Zoning Ordinance, and 2) to be totally silent about the issue. The City of Urbana is trying to strike a balance between these two. To ignore it would be

more dangerous, because that would be turning an eye away from this issue. The Plan Commission is not talking about a specific methadone treatment facility in a specific location. The Plan Commission is talking about a process by which any proposal would have to come before the Plan Commission and the City Council to be approved. Ms. Tyler added that was correct, but only for the three zones identified in the staff report, which are the B-3, B-4, and MIC zones. The question to ask is, "Is the City providing reasonable accommodation for this use?" Mr. Rank added that when looking at the zoning map of the City of Urbana there are many specific parcels where a methadone treatment facility would be totally inappropriate because it would be next to a school, daycare center, etc. He felt that this proposed text amendment would give the Plan Commission, the City Council and the citizens of Urbana the opportunity to fully participate in any decisions about specific sites in the future.

Another point that Mr. Rank wanted to make to the public participants at this hearing was that the Plan Commission's action might not reflect an agreement or disagreement with their feelings about methadone. The action may create a process by which the City can evaluate each and every site that might be proposed to be used for a methadone treatment facility.

Ms. Goscha questioned the definition of methadone treatment facility. She wondered if there should be some additional language in the definition to require any facility to be fully accredited or licensed per state and federal regulations. Ms. Tyler replied that would be consistent with the definition of hospital. Mr. Hopkins stated that his only concern was whether or not it would leave an undefined meaning of an unlicensed methadone treatment facility. Ms. Tyler responded that the interpretation would be that if it were not in the definition, then it would not be permitted.

Ms. Goscha felt it would be important to regulate this type of facility. By considering it a special use rather than a permitted by right type of use, the Plan Commission would have the opportunity to address the concerns of the residents of Urbana.

Ms. Goscha also pointed out that the first two conditions listed on page three and four of the written staff report should be required rather than may be required. Mr. Hopkins noted that changing the word "may" to "will" would solve this problem. It should now read as follows:

*Methadone Treatment Facilities are permitted by special use in B-3, B-4, and MIC zones. In addition to the standards and procedures set forth in Section VII-6, conditions that **will** be considered for Special Use Permits for such facilities include, but are not limited, to the following:*

Ms. Goscha agreed with the proposed change.

Mr. Hopkins moved to approve the staff recommendation with the changing of "may" to "will" as previously discussed and the language addition of "properly licensed" to the definition. Mr. Douglas seconded the motion.

Mr. Alix stated that since he was unavoidably detained at work, which caused him to be late for the Plan Commission meeting, and did not get to hear public testimony, he wished to abstain from voting on the motion. He added that he was concerned about the degree of conditions that the City was attempting to impose upon a methadone treatment facility relative to the restrictions that the City imposes on other uses in the City of Urbana. It was his personal opinion that what was being described as a methadone treatment facility falls reasonable, within the existing Zoning Ordinance in the context of a clinic. Any business should be required to have sufficient indoor-waiting areas, restroom facilities, and parking to support the number of customers and type of traffic it is expected to have. He believed that this might set a negative precedent that the City would appear to impose conditions on this particular use that are much more stringent than the City imposes on other uses that would have apparently similar impact.

The roll call was as follows:

Mr. Douglas	-	Yes	Ms. Goscha	-	Yes
Mr. Hopkins	-	Yes	Mr. Pollock	-	No
Mr. Rank	-	Yes	Mr. Alix	-	Abstain

The motion was passed by a 4-1 vote. Ms. Tyler noted that this case would go before City Council on August 5, 2002.

6. NEW PUBLIC HEARINGS

There were none.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

Ms. Tyler reported on the following:

- ✓ **Urbana Assembly of God** will come back to City Council on August 5, 2002. They have been working on a compromise with adjoining neighbors.
- ✓ **Next Scheduled Plan Commission Meeting** will be held on August 8, 2002. There will be two rezoning cases: 1) Eastlawn Cemetery to rezone some acquired property from B-

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3 to AG and 2) South of the Southwest corner of Lincoln Avenue and Fairview, there are two lots being requested to be rezoned from R-2 to B-1.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Pollock adjourned the meeting at 8:32 p.m.

Respectfully submitted,

Rob Kowalski, Secretary
Urbana Plan Commission