



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** The Urbana Plan Commission

**FROM:** Jeff Engstrom, AICP, Planner I

**DATE:** July 30, 2010

**SUBJECT:** CCZBA-668-AT-10: Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance to allow Residential Recovery Centers as a Special Use in the AG-2 District.

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**Introduction and Background**

The Champaign County Zoning Administrator is proposing a text amendment to the Champaign County Zoning Ordinance in CCZBA Case No. 668-AT-10. It is the Plan Commission's responsibility to review the proposed amendment to determine what, if any, impact it will have on the City, and to recommend to City Council whether or not to protest the proposed text amendment. Under state law, a municipal protest of the proposed amendment would require three-fourths super majority of affirmative votes for approval of the request at the County Board; otherwise, a simple majority would be required for County Board approval. The most recent version of the full text changes is attached as Exhibit A.

The purpose of this amendment is to allow a Residential Recovery Center (RRC) as a Special Use in the AG-2, Agricultural District in Champaign County. According to the Champaign County memorandum, a Residential Recovery Center is proposed to be defined as:

*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.*

Following is a description of the text amendment proposed.

- 1) Add Residential Recovery Center as a defined term in Section 3.**
- 2) In Section 4.2.1.C, authorize Residential Recovery Center as a second principal use on a lot with a church or temple in the AG-2 District.**

- 3) In Section 5.2, add Residential Recovery Center to the table of Authorized Principal Uses as a use allowed by Special Use Permit only, subject to certain standard conditions, in the AG-2 District.**
- 4) Add Residential Recovery Center to Section 6.13 with standard conditions.**
- 5) In Section 7.4.1, add new paragraph C.3.i, indicating parking for a Residential Recovery Center is only required for vehicles proposed as a part of the Special Use Permit application.**

There are two sets of conditions proposed to allow RRCs. The first set of conditions, to be added to Section 5.2, cannot be waived. A Residential Recovery Center would only be allowed:

1. within the extraterritorial jurisdiction of a home-rule municipality;
2. on the same property as an existing church or temple; and
3. with a Special Use Permit.

The second set of proposed conditions are proposed to be placed Section 6.1.3, and could be waived as a part of the Special Use Permit approval process:

1. The property must be served by public transportation and the associated church or temple must be in a building which existed on October 10, 1973.
2. There is a limit on the number of residents equal to 10% of the occupancy of the worship area of the associated church, but no more than 25.
3. Minimum lot area is 20,000 square feet if served by a public sanitary sewer or 30,000 square feet plus 7,000 square feet per resident if not served by a public sewer.
4. The Residential Recovery Center must be operated as follows:
  - a. Supervision shall be provided by a responsible and qualified staff person, 24 hours per day, seven days per week.
  - b. On-site food service shall comply with the Champaign County Health Ordinance.
  - c. The use must be operated in accordance with the Alcoholism and Other Drug Abuse and Dependency Act, including obtaining any required license from the state.
5. No person shall occupy the Residential Recovery Center until it has been inspected and shown to meet the Building Code.

Champaign County staff memoranda concerning the proposed text amendment are included as Exhibits B and C. The Environmental Land-Use Committee (ELUC) is anticipated to review the

amendment at their meetings on August 3<sup>rd</sup> and September 7<sup>th</sup>, 2010. If forwarded, the amendment may be considered by the Champaign County Board on September 23<sup>rd</sup>, 2010.

## Discussion

Typically, proposed Champaign County text amendments are of interest to the City of Urbana to the extent that they will affect zoning and land use development decisions within the City's 1 ½ mile extraterritorial jurisdiction (ETJ) and for their consistency with Urbana's Comprehensive Plan. The City has subdivision and land development jurisdiction within the ETJ area, while the County holds zoning jurisdiction in this area. It is therefore important that there be consistency between these two jurisdictions to the extent that certain regulations may overlap.

Under the City of Urbana Zoning Ordinance, the closest use to Residential Recovery Center is Dwelling, Home for Adjustment. Homes for Adjustment include dwellings such as residential rehabilitation centers, halfway houses, and crisis shelters. They are defined as:

1. A dwelling in which persons live while receiving therapy and counseling to assist them in recovering from the effects of chemical or alcohol dependency; and
2. A dwelling to provide emergency shelter.

Homes for Adjustment are allowed by right in Urbana's R-5, R-6, R-6B, B-2, B-3, B-3U, B-4, and B-4E districts. They are also allowed with a Special Use Permit in the R-4, R-7, and MOR districts. They are not permitted in the City's AG, Agriculture District, while Residential Recovery Centers would only be allowed in the County AG-2 District. To this extent the proposed County zoning text amendment is not consistent with the City's Zoning Ordinance. However, the conditions of the County amendment have been designed so as to limit their impacts and the number of locations which qualify for a Residential Recover Center.

Only one property in Champaign County meets the proposed conditions for a Residential Recovery Center. This property is the Apostolic Life Church in Urbana's ETJ on North High Cross Road, located about one mile from city limits. The church has been operating a rehabilitation center, called Lifeline-Connect, for the past four years. The proposed amendment would allow this use to continue if issued a Special Use Permit. As indicated in the findings contained in the Champaign County memorandum, it is unlikely that this location would be annexed into the City because it is outside of the Urbana-Champaign Sanitary District service area. Since this existing rehabilitation center is the only Residential Recovery Center that would be allowed under the Champaign County Zoning Ordinance, the proposed text amendment will not directly adversely affect the City.

A stand-alone residential recovery center in AG districts could be viewed as incompatible with the City of Urbana's treatment of AG zoning. However, when operated in conjunction with a church use, and when explicitly part of the church's mission, a RRC could be considered as an extension of the church. Churches are allowed in agricultural districts only with a Special Use Permit under both Champaign County and Urbana Zoning Ordinances.

The County is proposing to allow Residential Recovery Center as a second principal use on a property that already contains a church or temple. In order to have Special Use conditions apply to RRCs, they must be a principal use and not an accessory use. Since the number of residents is limited to 10% of the occupancy of the church or temple (but no more than 25), Residential Recovery Centers will essentially function as an accessory use. As such, city staff recommends that City Council does not protest of this County zoning amendment on the condition that the number of residents is limited to 10% with a maximum of 25, and that the RRC serves the explicit mission of the church or temple.

## **Summary of Findings**

1. The Champaign County Zoning Administrator is proposing a text amendment to the Champaign County Zoning Ordinance in CCZBA Case No. 668-AT-10 to define and allow Residential Recovery Centers as a Special Use in the County AG-2, Agricultural District, and impose conditions related to their approval.
2. The proposed text amendment is not entirely consistent with the Urbana Zoning Ordinance, in that it allows Residential Recovery Centers in agricultural districts, where the Urbana Zoning Ordinance allows equivalent uses only in business and high-density residential districts.
3. Under the proposed text amendment, only one site, the Apostolic Life Church at 2107 North High Cross Road, could qualify for a Residential Recovery Center.
4. The proposed zoning ordinance text amendment would not directly adversely affect the City of Urbana or the extra-territorial jurisdiction of the City of Urbana so long as the number of residents is limited to 10% of the occupancy of the associated church or temple, with a maximum of 25, and the RRC serves the explicit mission of the church or temple.

## **Options**

The Plan Commission has the following options for recommendations to the City Council regarding proposed text amendments in CCZBA Case No. 668-AT-10:

1. Recommend to defeat a resolution of protest; or
2. Recommend to defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendments; or
3. Recommend to adopt a resolution of protest.

## **Staff Recommendation**

Based on the findings above, Staff recommends that the Plan Commission forward this case to the City Council with a recommendation to **ADOPT a resolution of protest** for the proposed County Zoning Ordinance text amendment, which shall automatically be waived if the following conditions are included in the amendment:

1. The maximum number of residents for a Residential Recovery Center shall be limited to 10% of the occupancy of the worship area of the associated church or temple, up to 25 residents; and
2. That the Residential Recovery Center shall only be allowed when part of the church or temple's explicit mission.

Attachments: Exhibit A: Proposed Text Changes

Exhibit B: Supplemental Memorandum, dated July 9, 2010

Exhibit C: Minutes from County ZBA Hearings (5/27/10, 6/17/10, 7/15/10)

Exhibit D: Correspondence from Webber & Thies to Elizabeth Tyler

NOTE: Complete packets for all three Champaign County ZBA Meetings, including Findings of Fact, can be found at: <http://www.co.champaign.il.us/COUNTYBD/zbaagenda.htm#zba>

cc: John Hall, Champaign County Zoning Administrator

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

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

**2. Amend Subparagraph 4.2.1 C., as follows:**

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

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

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

Principal USES	Zoning DISTRICTS					Zoning DISTRICTS									
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
<b>Residential Uses</b>															
RESIDENTIAL RECOVERY CENTER			S <sup>18</sup>												

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

(Strikeout indicates text proposed to be removed.)

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

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

(Underline indicates text added since the June 11, 2010, draft. ~~Strikeout~~ indicates text proposed to be removed. Note: the standard conditions have been reorganized to make them easier to read and understand, but no changes have been made regarding content, except where annotated.)

SPECIAL USES or USE Categories	Minimum Fencing Required <sup>6</sup>	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions	
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline <sup>2</sup>			SIDE	REAR		
						STREET Classification						
						MAJOR	COLLECTOR	MINOR				
	(1)	See #3. below	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
RESIDENTIAL RECOVERY CENTER in the AG-2 DISTRICT in accordance with Section 5.2		<ol style="list-style-type: none"> <li>1. The proposed RESIDENTIAL RECOVERY CENTER must be located as follows:                             <ol style="list-style-type: none"> <li>a. The subject property must be served by public transportation; and</li> <li>b. <u>The associated church or temple must occupy a building which predominantly existed on October 10, 1973.</u></li> </ol> </li> <li>2. The maximum number of residents allowed at one time shall be <u>the smaller of the following numbers</u>:                             <ol style="list-style-type: none"> <li>a. <del>no more than</del> 10% of the maximum occupancy of the main worship area of the associated church or temple; <u>or</u></li> <li>b. <u>25.</u></li> </ol> </li> <li>3. The minimum required lot area shall be:                             <ol style="list-style-type: none"> <li>a. 20,000 square feet if served by a connected PUBLIC SANITARY SEWER SYSTEM; or</li> <li>b. 30,000 square feet plus 7,000 square feet per resident if not served by a connected PUBLIC SANITARY SEWER SYSTEM.</li> </ol> </li> <li>4. The proposed RESIDENTIAL RECOVERY CENTER shall be operated as follows:                             <ol style="list-style-type: none"> <li>a. A responsible and qualified staff person must be onsite to provide supervision 24 hours per day, seven days per week; and</li> <li>b. All onsite food service shall be compliant with the Champaign County Health Ordinance; and</li> <li>c. The RESIDENTIAL RECOVERY CENTER must be operated in conformance with the <i>Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/)</i> including obtaining any required license.</li> </ol> </li> <li>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.</li> </ol>										

**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.

**CASE NO. 668-AT-10**

SUPPLEMENTAL MEMORANDUM

July 9, 2010

Petitioner: **Zoning Administrator**Champaign  
County  
Department of

Brookens

Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708

Prepared by: **John Hall**  
Zoning Administrator  
**J.R. Knight**  
Associate PlannerRequest: **Amend the Champaign County Zoning Ordinance as follows:**

1. **In Section 3, add RESIDENTIAL RECOVERY CENTER as a defined term.**
2. **In Section 4.2.1 C. authorize RESIDENTIAL RECOVERY CENTER as a second principal use on a lot with a church or temple in the AG-2 District.**
3. **In Section 5.2, add "RESIDENTIAL RECOVERY CENTER" to the Table of Authorized Principal Uses as a use allowed by Special Use Permit only, subject to standard conditions, in the AG-2 Agriculture Zoning District, and indicate a new footnote.**
4. **Add RESIDENTIAL RECOVERY CENTER to Section 6.1.3 with standard conditions of approval, including but not limited to:**
  - (1) **The property must be served by public transportation; and**
  - (2) **A limit on the number of residents equal to 10% of the occupancy of the worship area of the associated church, but no more than 25; and**
  - (3) **Supervision by a responsible and qualified staff person, 24 hours per day, seven days per week; and**
  - (4) **The use must be operated in accordance with the Alcoholism and Other Drug Abuse and Dependency Act.**
5. **In Section 7.4.1, add new paragraph C.3.i. indicating parking for a RESIDENTIAL RECOVERY CENTER is only required for vehicles proposed as part of the Special Use Permit application.**

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**STATUS**

This is the third meeting for this case. It was continued from the June 17, 2010, public hearing. Since the last meeting staff has added new evidence to the Finding of Fact and a Revised Draft is attached. Please note that Item 12 in the Finding of Fact, which is the comparison between the proposed amendment and municipal requirements, has been extensively revised and no annotations have been included due to the extent of the changes.

The State's Attorney has reviewed the proposed amendment and is satisfied with all the conditions and does not believe they would constitute spot zoning.

A letter was received from attorney Carl Webber, regarding concerns raised at the meeting on June 17.

Staff has been in contact with municipal staffs regarding the proposed amendment, for more information see the discussion of the possibility of municipal protest on the next page.

There is also a brief discussion of the scope of the amendment as it relates to different types of addiction and addictive behaviors.

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**POSSIBILITY OF MUNICIPAL PROTEST**

Attachment C is a report to the City of Champaign Plan Commission from city staff that was originally on the agenda of the Champaign Plan Commission for July 7, 2010, but was removed after discussions between County and City staff. The report indicates that staff recommends the Plan Commission forward Case 668-AT-10 to the City Council with a recommendation to protest the amendment unless the number of residents is capped at 16 instead of 25.

However, the discussion of "Potential Impact to the City of Champaign" on page 4 of the report indicates that part of the basis for this recommendation is that much of the Champaign ETJ is zoned AG-2 and as the amendment is currently constructed there are several churches in the Champaign ETJ that could propose RESIDENTIAL RECOVERY CENTERS if a waiver of the standard condition requiring the church be located in a building that was predominantly present on October 10, 1973, was granted.

Standard conditions which limit the location of churches that can propose a RESIDENTIAL RECOVERY CENTER could be relocated to Section 5.2, where they will not be subject to waiver or variance and that could prevent a municipal protest. However, it is unknown if this would be enough to mitigate the concerns of the City.

**SCOPE OF AMENDMENT**

The scope of this amendment has been carefully constrained in the definition of a RESIDENTIAL RECOVERY CENTER, which specifies that these uses exist to help people overcome "...chemical and alcohol dependency." No other types of addictive behavior (i.e. sexual or gambling addictions) are intended to be included in the definition.

**ATTACHMENTS**

- A Letter from Carl Webber, received on July 6, 2010
- B Report to Plan Commission from Bruce Knight to City of Champaign Plan Commission, dated July 2, 2010
- C Excerpt from List of Division of Alcoholism and Substance Abuse Licensed Sites by County/City/Township
- D Revised Proposed Draft Amendment
- E Minutes of June 17, 2010, ZBA meeting (included separately)
- F Revised Draft Finding of Fact and Final Determination for Case 668-AT-10 (included separately)

**WEBBER & THIES, P.C.**

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July 2, 2010

Mr. Doug Bluhm, Chair  
Zoning Board of Appeals, and  
Members of the Zoning Board of Appeals  
1776 E. Washington  
Urbana, IL 61801

Mr. John Hall, Director,  
Department of Planning and Zoning  
Brookens Administrative Center  
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Urbana, IL 61802

RECEIVED

JUL 03 2010

CHAMPAIGN CO. P & Z DEPARTMENT

Re: Case #668 – AT – 10; Residential Recovery Center

Dear Mr. Bluhm, Members of the Board and Mr. Hall:

I would like to respond to some of the comments from the meeting last Thursday and provide some additional information.

1. Automobiles. There was some discussion of whether residents should be permitted to have cars. While Lifeline-Connect does not currently permit residents to have automobiles, it might be a mistake to conclusively disallow them in the ordinance. It is certainly possible that a program requesting approval could benefit from a limited use of cars. It might be of assistance to the more senior residents or “graduate students” to remain in the residence while holding jobs in the community.

One course of action might be to draft the amendment to allow cars for, perhaps, up to half of the residents, so long as a need is shown and so long as separate dedicated parking is available for residents. This would satisfy concerns about increased traffic while simultaneously allowing a program to have some reasonable amount of flexibility.

2. Density. There was also a discussion of the impact on potential areas in the AG-2 Zone. An example of a possible applicant is the Apostolic Life Church,

which is located at 2107 North High Cross Road. We have included with this letter an aerial view of that particular surrounding area. This image clearly shows just how the potential ordinance can result in a request from an ideal spot for such a facility. Being located in an AG-2 Zone, the church has no neighbors to the north or east, another church to the west, and a few homes to south. The Apostolic Life Church is an example of a site that would qualify under the proposed ordinance, It is in an area that has unusually low density, while being urban enough to provide the services, such as access to the MTD, required in the proposed ordinance.

3. Spot Zoning. One speaker raised the issue of spot zoning. We do not believe the amendment before the board is in any way consistent with the definition of spot zoning.

According to *Bossman v. Village of Riverton*, 291 Ill. App. 3d 769, 225 Ill. Dec. 742, 684 N.E. 2d 427; cert. denied at 175 Ill. 2d 523 (1997). ““Spot zoning” is a change in zoning applied only to a small area, which is out of harmony with comprehensive planning for the good of the community; zoning that would violate a zoning pattern that is homogeneous, compact and uniform It would be difficult to find spot zoning in an area where conflicting uses were haphazardly mixed.” (emphasis added)

*Bossman* further holds that it is permissible to include uses not previously provided, as need may dictate.

This text amendment would definitely not constitute “spot zoning” under the standards established in Illinois. The proposed amendment would have an equal effect on all churches in AG-2 zones, and is not limited to any particular church property. Further, Residential Recovery Centers are in harmony with the broad range of uses already allowed in AG-2. There has been no evidence that this use would be in conflict with other typical AG-2 uses. For example, in the case of the Apostolic Church, there would be no conflict. In that case, across Highcross road, which carries 2400 cars per day, there is a busy restaurant that advertizes having sold well over 300,000 Apple Dumplings. This is not just a residential or farming area. Adjoining the Apostolic Church to the west (though at some distance across farmland) is a beautiful new church and parsonage. The minister signed a petition indicating, on behalf of the church, the farmland and the parsonage, that all were in favor of this amendment.

One cannot argue spot zoning just because it requires a Special Use Permit.

Therefore, if one were to argue spot zoning, one would have to show that the one of the required characteristics of the Special Use Permit is, in itself, indicative of spot zoning. For example, one might try to argue that this proposed amendment constitutes spot zoning because of the requirement that only churches in a building which was in place in 1973 may apply for a Special Use Permit.

However, this requirement is perfectly logical. The county has long held a desire to preclude urban sprawl. A facility in County AG-2 would be located outside, but near, the adjoining city limits. Since neither Champaign nor Urbana has an ordinance exactly like the proposed one, without a provision requiring that the building exist in 1973, this amendment might actually work to encourage churches to move outside the city limits. As proposed, the amendment encourages churches wishing to provide somewhat similar services to remain in their historical locations and provides facilities in accordance with applicable ordinances.

4. Wildlife. One speaker raised concerns that the additional residents in an AG-2 Zone would have a negative impact on the local deer population. We would like to note that Lifeline-Connect, as an example, has operated a facility in this area for several years already, and there have been no such complaints.

5. “Criminal Element.” Some speakers expressed concern that such facilities would lead to an increased “criminal element” in the area. It is clear that there have not been any examples of such problems during the several years of operations. This has been shown by the mere fact that nearly no one in the neighborhood has even been aware of the program to date. Crime, when related to drugs, is usually related to the sale of the drugs or to the need to commit crimes to have the money to support the “habit.” In facilities like the one at the Apostolic Church, the men have committed to refrain from any improper substances. They are tested weekly. A bad result, and they are out.

6. Urban Blight. Again, with no evidence to support his allegation, another speaker warned of the likelihood of “urban blight” if such an amendment were allowed. Again, as an example, we would like to point to Lifeline-Connect’s track record. Lifeline-Connect has been in existence for four years already. If the existence of residential recovery centers in a community leads to urban blight, surely there would be some evidence of that today. There is none.

With weekly mandatory drug screenings and insistence upon only accepting applicants who are truly prepared and committed to getting well again, Lifeline-Connect has made great efforts to ensure that their facility works only to enhance their neighboring community.

7. Drainage and Septic. Some speakers at the meeting expressed concerns about drainage and septic systems. It is important to note that at this time, the issue is the amendment. Certainly, Lifeline-Connect will have to meet applicable drainage and septic specifications.

8. Light pollution. One neighbor of the Apostolic Church was concerned about light pollution. Many of the uses in AG-2 imply the need for parking lot lighting for the safety of customers. In the case of this particular speaker, he requested a reduction in the outdoor lighting at the Apostolic Church, and as a

result the Church cut the amount of light in half. There were no continuing concerns until the suggestion at the meeting last week.

9. Need for Churches to Sponsor such Facilities. One speaker expressed concern about the possible impropriety in allowing a church to have such an important role in the recovery process.

The speaker was concerned that a church might ‘take advantage’ of its residents. While it is true that the residents in these programs are particularly vulnerable, it is important to recognize that those who come to such a facility, do so voluntarily, and with resolve. Those with no inclination towards such a role of a church are unlikely to even apply.

Our country faces an enormous drug crisis. For many people, facilities such as would be allowed under the proposed amendment have been, literally, life-savers. Churches seem to be one of the few groups stepping forward to address the issue. Hopefully, they, along with other groups in our society will assist with this heavy burden.

10. Applicants’ History. There was some discussion about whether such a facility should allow applicants who have had a criminal conviction. Unfortunately, as a result of using drugs, or as a result of trying to support a drug habit, potential residents may well have had a spotted history. In the cases allowed by the proposed ordinance, however, the applicants are in search of help have been found by the sponsoring organization to be capable of a successful residency. Those who review these histories in order to allow these residents to become a part of the “church family” are professionals who work to find the best candidates. They should be the ones who make the decisions as to whom to accept.

Programs like the one at the Apostolic Church have excellent protections. First, they assure that if there should be a problem, it is resolved immediately. The failsafe, however, is the weekly drug testing. A singled failed drug test results in immediate expulsion from the program. Not everyone will succeed in this program – those who do not, will no longer be allowed to stay in the facility.

Further, by virtue of the required church sponsorship and the required church site location, those who run such facilities will have a vested interest in success. Daily interactions with the residents; encourage the acceptance of the right applicants. In some cases, as with the Apostolic Church, not only the director lives on site, but his wife does as well.

11. Legal Standards. One speaker suggested that, in addition to *LaSalle, supra*, the standards in *Sinclair Pipe Line Co. v. Village of Richton Park, 119 Ill. 2d 370, 167 N.E. 2d 406 (1960)*, should apply. *La Salle* standards are as follows:

- a. the existing uses and zoning of nearby property; [ALREADY IN USE, AND COMPATIBLE, ON THE SITE]
- b. the extent to which property values are diminished by the particular zoning restrictions;[NO EVIDENCE OF THE OCCURRENCE IN THE PAST OR OF THE LIKELIHOOD IN THE FUTURE]
- c. the extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, or general welfare of the public; [NO EVIDENCE OF OCCURRENCE IN THE PAST OF ANY PROPERTY VALUE REDUCTION OR OF THE LIKELIHOOD IN THE FUTURE]
- d. the relative gain to the public as compared to the hardship imposed on the individual property owner; [SUBSTANTIAL GAIN TO PUBLIC WITH NO EVIDENCE OF HARDSHIP]
- e. the suitability of the property for the zoned purpose; [EXCELLENT SUITABILITY (SEE #12 BELOW)]and
- f. the length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property. [THE LAND HAD NOT BEEN VACANT, BUT HAD BEEN UNDERUSED IN AN AD-2 ZONE]

*Sinclair* allowed a zoning change from residential to industrial. In doing so, it found the zoning ordinance void. Since that is not the case here, *Sinclair* does not seem to apply. If it did, it might add two more standards:

- g. the community need for the proposed use;
- h. the care with which the community has undertaken to plan its land use development.

These two additional standards, to the limited extent that *Sinclair* might apply, only strengthen the argument that this amendment is appropriate. It is simply not possible that our communities are currently so flush with residential recovery centers that more such facilities are not needed. There was no evidence of such being the case. Further, the very nature and length of the proceedings to date involving the determination of whether to pass this amendment, already preclude any argument that the community has not taken proper care to plan its land use development.

9. Necessary. The best evidence of the necessity of such facilities on locations as would be allowed under the proposed amendment, is the example of the success of the Apostolic Church. It works. And there is no evidence that a

somewhat larger facility would not work even better. (As to size, please see my letter to John Hall attached to the materials for the past meeting.)

There are several reasons why this type of use is not only necessary, but ideal, in locations allowed under the amendment. The oversight of such facilities is assigned to the owner, and user, of the property on which the facility is located. There will be every reason for sponsors to carefully operate such facilities.

The amendment is drafted so as to allow the facilities to use the kitchen facilities and exercise facilities of the sponsoring church. This will greatly reduce the cost of such facilities and will allow more of the available funding to be used for staff and programs.

The size limitation is such that a church cannot be overwhelmed by the operation of the facility. In addition, the size limitation further assures that such a facility will have substantial funding.

The requirement of church sponsorship increases the chance that there will be more volunteers to assist with the program, and to provide support to the residents. As was mentioned at the meeting, in the example of the Apostolic Church, the residents of the program are, indeed, members of the Church family.

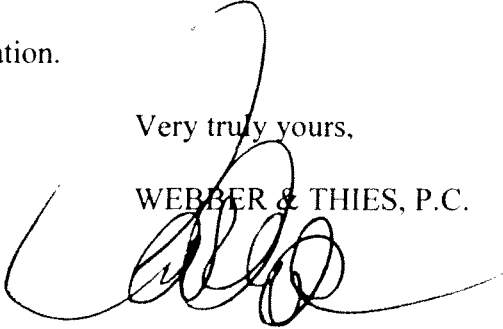
As was shown by the testimonials at the recent hearing, the need for such facilities comes from all walks of life and all economic backgrounds. These facilities are not populated by persons from any particular part of town. The need for facilities like Lifeline-Connect is not a characteristic of only the inner city. The broad range of names and faces at the meeting last Thursday, both current residents and successful graduates, shows the need for this sort of facility. We are all affected. We must all give assistance.

12. Finally, I would be somewhat more comfortable if the wording were such that a conforming facility would have the chance to request a waiver of the building age provision. I have some concern about the restriction which limits such a facility to a pre-1973 building. There is always the chance that a church might wish to be relocated.

Thank you all for your time and consideration.

Very truly yours,

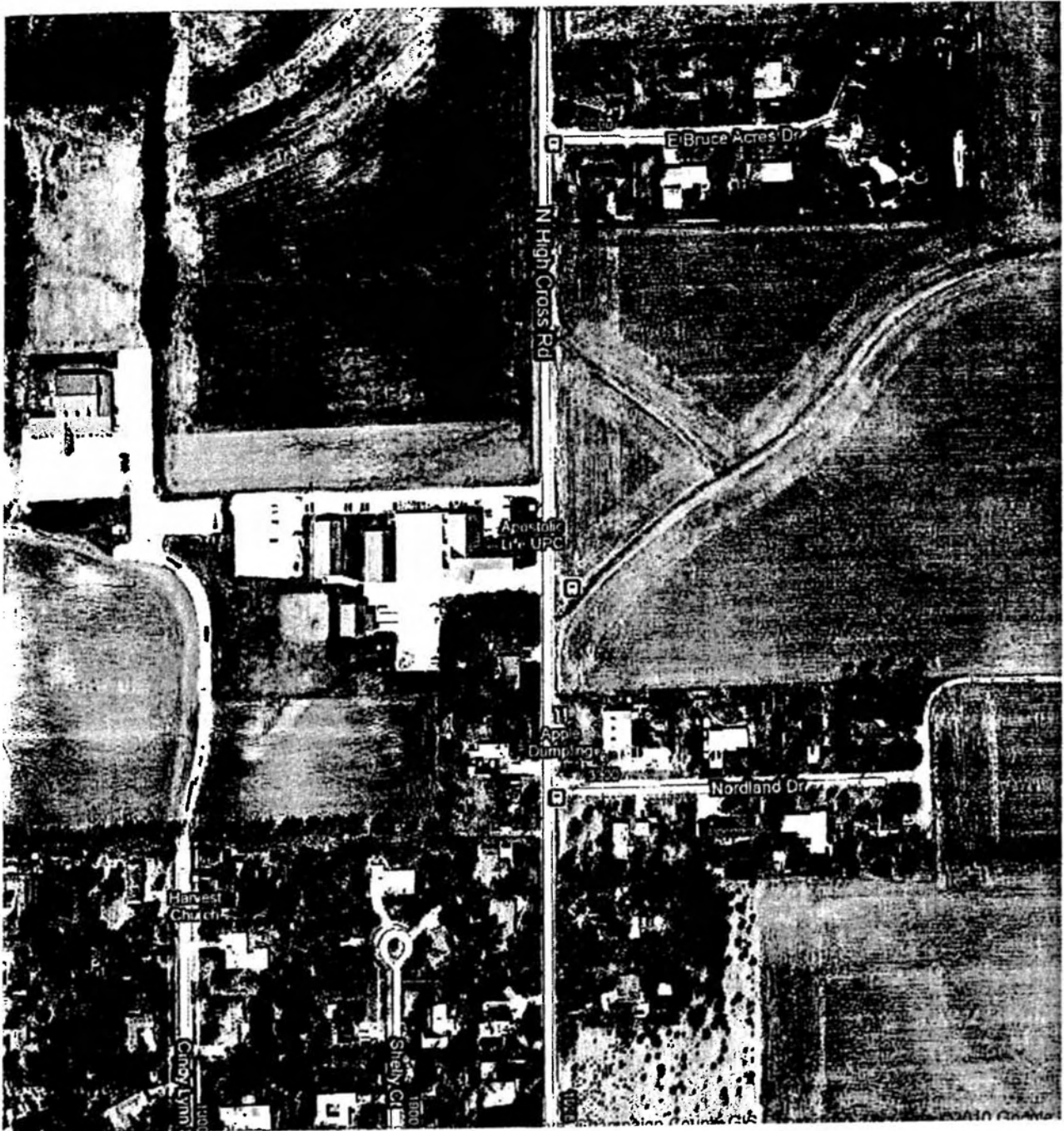
WEBBER & THIES, P.C.



Carl M. Webber

Enc. Aerial of the Apostolic Church area







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## REPORT TO PLAN COMMISSION

**FROM:** Bruce A. Knight, Planning Director

**DATE:** July 2, 2010

**SUBJECT:** PL10-0027 / CCZBA #668-AT-010  
Proposed Champaign County Zoning Ordinance Amendment regarding Residential Recovery Centers

**A. Introduction:** The Champaign County Department of Planning and Zoning has drafted a proposed amendment to the County Zoning Ordinance which would define “Residential Recovery Center” and allow the use in the County AG-2, Agricultural and R-4, Multiple-Family zoning districts with certain provisions and restrictions. The intent of a Residential Recovery Center is to allow for group living facilities for residents who are recovering from the effects of chemical and alcohol dependency. The City of Champaign has “protest” rights for proposed amendments to the Champaign County Zoning Ordinance which impacts the votes needed by the County Board to pass the amendment.

**B. Recommended Action:** Staff recommends that the Plan Commission forward this case to the City Council with recommendation to protest the proposed text amendment as proposed but to withdraw the protest if the proposal is further amended to cap the number of residents at 16.

**C. Summary:**

- Under state statute home-rule municipalities have the ability to provide comments in the form of a “protest” to their County Board regarding amendments to the County’s Zoning Ordinance.
- The Champaign County Zoning Administrator is proposing an amendment to the County Zoning Ordinance to define and allow “Residential Recovery Centers” in the County R-4 and AG-2 districts with certain provisions.
- Residential Recovery Centers are group living facilities where individuals are treated for the effects of chemical and alcohol dependency. The County is proposing the amendment to deal with an existing use at The Apostolic Church in unincorporated Urbana.
- The proposed County amendment would allow Residential Recovery Centers to have up to 16 residents in the R-4 district and up to 25 residents in the AG-2 district.
- The City of Champaign Zoning Ordinance defines “Recovery Home” as a dwelling intended for those being treated for drugs and alcohol. The ordinance also defines “Community Living Facility” as a dwelling for a service dependant population, or those who are disabled. The County’s proposed “Residential Recovery Center” is most similar to the City’s

definition of “Recovery Home” although the performance of a facility also has characteristics of a Community Living Facility.

- Under City zoning, Recovery Homes only allow a maximum of 8 residents. Community Living Facilities, Level III allow a maximum of 16 individuals. Recovery Homes are allowed in all residential districts. Community Living Facilities, Level III are allowed in the more dense multi-family districts.
- This case is of interest to the City because such a use could be established in the AG-2 district in close proximity to the city limits and be on a parcel that the City will eventually negotiate an annexation agreement. For this reason, compatibility in zoning requirements is desirable.
- The number of individuals proposed to be allowed in a Residential Recovery Center in the AG-2 district (25) varies considerably with the number allowed under the City’s Recovery Homes (8) and Community Living Facility, Level III category (16).
- Given the additional conditions the County would place on Residential Recovery Centers, a population of more than 8, as specified for Recovery Homes under City zoning, may be appropriate but a population greater than what the City allows for a Community Living Facility, Level III may not be appropriate.
- It is the recommendation of Staff that the City Council protest the proposed amendment on condition that should the County further revise the amendment to limit the number of residents to 16 in the AG-2 district, the protest would be withdrawn.

#### **D. Background:**

**1. Champaign County Zoning Ordinance Text Amendments.** The Champaign County Department of Planning and Zoning administers zoning in the unincorporated portions of the County including the City’s one-and-one-half mile extra-territorial jurisdictional area (ETJ). Where there is an annexation agreement in the ETJ, City zoning applies. Under state law, when the County proposes to amend their zoning ordinance, the municipalities have the ability to review the proposal and register a “protest” with the County Board. In this event a super-majority vote is then required from the County Board for the text amendment to pass. The rationale for the City’s ability to review and potentially protest changes to the County Zoning Ordinance is that changes in County zoning applies to unincorporated parcels in close proximity to corporate limits that may be projected to be annexed into that municipality. Therefore there is interest from the municipality in the County zoning regulations being compatible with the zoning and land use plans of the municipality.

**2. Existing Situation.** In 2007 the Champaign County Zoning Administrator learned that The Apostolic Church at 2107 High Cross Road in unincorporated Urbana was operating a drug and alcohol recovery program for eight individuals in an existing church facility. It was determined by the County Zoning Administrator that the activity was not a permitted use in the Agricultural AG-2 zoning district where the church is located. It was determined by the Administrator that the activity would be best defined as a “Residential Recovery Center” which was not adequately addressed in the existing Champaign County Zoning Ordinance. In 2008 The Apostolic Church informed the County Zoning Administrator that they wished to expand the program and that they desired the County to address the zoning ordinance issue.

**3. Proposed Text Amendment.** The Champaign County Zoning Administrator is proposing to amend the text of the Champaign County Zoning Ordinance as follows:

- Define “Residential Recovery Center” as a *group living facility for residents who are receiving support and training to assist them in recovering from the effects of chemical and alcohol dependency.*
- Allow Residential Recovery Centers by right in the County R-4 Multiple Family Zoning District.
- Allow Residential Recovery Centers in the AG-2 District with a Special Use Permit and only when it is located within the ETJ of a home-rule municipality and when it is operated as a second principal use with a church or temple located on the same property.
- Add required conditions of approval for Residential Recovery Centers including:
  - The property must be served by public transportation;
  - 24-hour, seven days per week supervision by a responsible and qualified staff person; and
  - A maximum of 16 residents in the R-4 district and a maximum of 25 residents in the AG-2 district.

The proposed text amendment is written rather narrowly to accommodate the existing operation at The Apostolic Church and to allow them to expand the number of residents to 25. The amendment also allows the use in the R-4 district although the Zoning Administrator has acknowledged there is no proposal for a facility in the R-4 district at this time.

**4. City of Champaign Regulations.** When the County Zoning Administrator proposes an amendment to the text of the Zoning Ordinance, City Staff first reviews the proposal against the City’s Zoning Ordinance to determine compatibility. The use proposed is most consistent with the City’s definition for “Recovery Home” which is defined as a dwelling unit operated for the purpose of promoting the rehabilitation of individuals from alcohol or drug addiction. The Champaign Zoning Ordinance limits Recovery Homes to eight residents. The Champaign Zoning Ordinance also has definitions for “Community Living Facility”. A Community Living Facility is defined as a dwelling provided for a “service dependant population”. “Service Dependant Population” is further defined as those requiring supervision due to mental or physical disabilities. Community Living Facilities are broken into three classifications of intensity with each level allowing more residents. A Community Living Facility Level III (the most intense) allows up to 16 service dependant individuals plus staff. Recovery Homes are allowed by right in all residential zoning districts. Community Living Facilities are allowed in all residential districts although the more intense Level III is reserved for the more dense multi-family districts.

The Champaign Zoning Ordinance makes a clear distinction between “Recovery Home” and “Community Living Facility” where recovery homes are intended for individuals receiving treatment for alcohol and drug dependency while Community Living Facilities are intended for individuals who are disabled and require assistance. Recovery homes allow a maximum of 8

residents while a Community Living Facility Level III would allow 16 residents. The County is proposing allowing up to 25 residents in a Residential Recovery Center which is substantially higher than the 8 residents the City would allow in a Recovery Home. However, considering the other conditions the County is placing on the use, it may be appropriate to allow a population of 16 which is consistent with the City's Community Living Facility, Level III. It should be noted that City Staff intends to further address the distinctions and regulations for Recovery Homes and Community Living Facilities as part of the next Comprehensive Zoning Ordinance Re-write.

**5. Potential Impact to the City of Champaign.** The proposed County regulations provide more conditions and stipulations than the City regulations due to the fact that it is responding to an existing case. However, the biggest discrepancy between proposed County regulations and the existing City regulations is the number of residents allowed. The County proposal would allow 16 residents in the R-4 district and 25 residents in the AG-2 district. The City's regulations would allow a maximum of 16. There is limited, if any, R-4 County zoning in the ETJ of the City of Champaign. However, much of the ETJ is zoned AG-2 and there are existing churches in the unincorporated areas as well. Therefore it is not inconceivable that at some point in the future the City would be negotiating an annexation agreement with a property that would be operating a Residential Recovery Center under the County regulations. For this reason, compatibility in regulations is desirable.

**6. Recommendation of Protest.** It is the recommendation of Staff to protest the text amendment primarily due to the difference in the number of residents proposed to be allowed in a Residential Recovery Center in the County versus the requirements for similar uses in the City. Should the County adjust the amendment to limit the number to 16 in both the R-4 and AG-2 districts, City Staff would recommend removing the protest.

**E. Alternatives:**

1. Recommend that the City Council protest the County text amendment with the condition that should the text amendment be revised to limit the number of residents in both the R-4 and AG-2 district to 16 then the protest would be withdrawn.
2. Recommend that the City Council not protest the County text amendment.

**F. Discussion of Alternatives:**

**Alternative 1** would recommend that the City Council **protest** the text amendment but with the condition that should the County revise the proposed amendment to limit the number of residents in both the R-4 and AG-2 district to 16 residents then the protest would be withdrawn. A registered protest from the City Council would require a super-majority vote of the County Board for the text amendment to pass.

**a. Advantages**

- Allows for the protest to be withdrawn provided the amendment is consistent with City requirements.
- Ensure compatibility between County and City zoning requirements.
- Protects the City's interest when considering future annexation of property into the municipality.

**b. Disadvantages**

- None

**Alternative 2** would recommend that the City Council **not protest** the proposed County text amendment.

**a. Advantages**

- Provides full intergovernmental support to the County.
- Allows The Apostolic Church to expand their ministry for a dependent population.

**b. Disadvantages**

- Promotes an amendment that is incompatible with existing City zoning requirements in terms of the number of residents allowed.
- May present an issue in the future when negotiating an annexation agreement for an existing use operating under the County Zoning Ordinance requirements.

**G. Community Input:** County text amendments are not a public hearing at the City of Champaign. No community input on the City's review of the case has been sought although public input has been offered at the County Zoning Board of Appeals meetings.

**H. Budget Impact:** At this time there are no budget impacts associated with this action.

**I. Staffing Impact:** There is minimal staffing impact associated with this case.

Prepared by:

Rob Kowalski, AICP  
Assistant Planning Director

Attachments:

**Attachment “A”**

Memorandum from the County Zoning Administrator to the Champaign County Zoning Board of Appeals dated May 21, 2010

**Attachment “B”**

Minutes from the May 27, 2010 Champaign County Zoning Board of Appeals Meeting

**Attachment “C”**

Memorandum from the County Zoning Administrator to the Champaign County Zoning Board of Appeals dated June 11, 2010

**Attachment “D”**

Letter from City Staff to County Staff dated May 26, 2010

# EXHIBIT C

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1 Mr. Palmgren asked if the visibility triangle is half the distance of the house would the transparency  
2 requirement still be enforced.

3  
4 Mr. Hall stated that it is where the driveway intersects the right-of-way.

5  
6 Mr. Bluhm stated that he likes the diagram. He said that if the officer pulls into the driveway they cannot see  
7 over the fence but they can see ahead and if they pull up into the driveway they can see the front of the  
8 house. He said that he does not have a problem with a fence being along 700 feet of driveway because a  
9 variance is available. He said that a gate should have to be 50% transparent.

10  
11 Mr. Hall stated that staff will add the gate which will be a stand alone thing that could be stricken from the  
12 amendment if needed. He said that staff will give the Sheriff's office a heads-up on the status of the text  
13 amendment and will also check with the fire protection districts and municipalities to obtain their comments.  
14 He said that he would recommend a continuance date of July 15, 2010.

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

18  
19 **6. New Public Hearings**

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

37  
38 Mr. Hall distributed a new Supplemental Memorandum dated May 27, 2010, to the Board for review. He  
39 said that this is a new text amendment that was authorized by the Champaign County Board Committee of  
40 the Whole at their May 4, 2010, meeting. He said that the text amendment is necessary because the  
41 Apostolic Life UPC Church at 2107 High Cross Road, Urbana has been operating a small, eight person or  
42 fewer recovery program (the Lifeline connect Ministry) since the fall of 2007 as an unauthorized use in the



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1 AG-2 District. He said that the church believed that since this use was a part of their ministry it was allowed  
2 by-right although staff disagrees with their view. He said that he contacted the fire protection district chief  
3 and spoke to Pastor Rogers about some issues to assure safety. He said that staff had received some  
4 complaints about folks hitchhiking on High Cross Road, which is a very busy, narrow pavement, and staff  
5 contacted Pastor Rogers making him aware of those complaints. Mr. Hall noted that no further complaints  
6 have been received. He said that currently the Apostolic Church would like to expand the program and make  
7 it conforming. He said that since this is a church and there is already a disagreement about whether this is an  
8 inherit part of their ministry and because this involves certain aspects of the Fair Housing Act shutting down  
9 the program, since it was so small, did not appear to be a good idea and both of those things should be taken  
10 into account when amending the ordinance to provide for expansion. He said that the text amendment  
11 description allows for 30 residents but during the preparation of the first memorandum for the case staff  
12 realized the big difference between what is allowed by the municipalities for community living facilities and  
13 what the church is proposing for this use. He said that it has been staff's position that this use does not  
14 appear to be a community living facility and that is not a proper comparison however the new memorandum  
15 does include a letter for the City of Urbana and the City of Champaign regarding this use. He said that the  
16 Board cannot obtain official comments from municipalities until the Board makes a recommendation  
17 although it would be nice for this Board to have some comments to work with during the public hearing  
18 therefore the municipal staff did submit the attached letters. He said that the basis of the comparison is a  
19 community living facility which he feels is incorrect but at a maximum such a use would only allow 16  
20 occupants. He said that he and Mr. Knight realized that they indicated an allowance of 30 occupants and the  
21 municipalities indicate 16 therefore as a compromise he and Mr. Knight backed down to an allowance of 25  
22 occupants, as indicated in Attachment E, Draft Proposed Amendment. He said that in the AG-2 Special Use  
23 Permit Authorization the maximum number of residents allowed at one time is proposed be 25 and for the  
24 By-Right Authorization in the R-4 District the maximum number of residents allowed at one time is  
25 proposed to be 16. He said that todate staff has not received any information regarding a proposed  
26 Residential Recovery Center in the R-4 District but staff felt compelled to include a by-right authorization so  
27 that the amendment is more comprehensive.

28  
29 Mr. Hall stated that attached to the Supplemental Memorandum dated May 27, 2010, are the relevant  
30 definitions for the City of Champaign and City of Urbana's Zoning Ordinances. He said that there is a  
31 history dated from 1986 as to why the municipalities have adopted virtually the same standards for  
32 community living facilities. He said that in 1986 there was an effort lead by the Champaign County Mental  
33 Health Board to try to develop standardized requirements. He said that a community living facility is  
34 defined as a dwelling unit operated to provide supervision, food, lodging, or other services to a service  
35 dependent population as herein defined, living and cooking together in a single cooperative housekeeping  
36 unit, consisting of: (a) a basic group of members of a service dependent population; and (b) additional staff  
37 persons providing supervision of service to the basic group. He said that both the City of Champaign and the  
38 City of Urbana's Ordinances define a service dependent population as follows: those persons, who by  
39 reason of mental or physical disability require supervision in a quasi-parental relationship, but do not require  
40 medical or nursing care on-site. A service dependent population shall not include persons for whom such  
41 services are a requirement of a sentence upon conviction of a criminal offense or whose need for such  
42 services arises during or immediately following a sentence of incarceration for a criminal offense. He said

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1 that the Community Living Facilities Licensing Act included in the Illinois Compiled Statutes  
2 (210ILCS35/1) uses the term, “mild or moderate developmental disability,” as the principal distinguishing  
3 feature of the community that they are trying to serve which is not relevant to what this text amendment is  
4 trying to add.  
5

6 Mr. Hall stated that the Supplemental Memorandum dated May 21, 2010, compares the proposed  
7 “Residential Recovery Center” to the City of Champaign’s “Recovery Home,” which is a state licensed  
8 facility, and the City of Urbana’s “Home for Adjustment,” which does not have to be licensed by the state  
9 and appears to be very similar to what staff is proposing as a “Residential Recovery Center.” He said that  
10 the City of Urbana’s ordinance basically limits the size of the “Home for Adjustment” to whatever  
11 occupancy is authorized under their building code. He said that it is a function of house design and  
12 complying with all of the various parts of their code. He said that the City of Urbana wondered why staff  
13 was considering the AG-2 District and staff had explained the reasoning in the memorandum dated April 23,  
14 2010, that was distributed to the County Board. He said that if this were coming from staff and not based on  
15 any known need staff would probably not include this use in the AG-2 District but currently the need is  
16 located in the AG-2 District. He said that because this use is accessory to a church and churches have been  
17 authorized under the Land Use Regulatory Policies. He said that we are now operating under the policies  
18 that were adopted in the new Land Resource Management Plan and staff believes that the use will comply  
19 with the LRMP primarily due to the fact that, once the church is authorized with all of the traffic and other  
20 impacts the church will have, a 25-30 person residential recovery center where there are no private vehicles  
21 and all services are provided indoors is a relatively minor increase. He said that the proposed use will not be  
22 considered an accessory use because if it were the use could happen at any church therefore the use merits  
23 consideration as a second principal use in the AG-2 District. He said that the proposed use is allowed as a  
24 principal use in the R-4 District on its own lot with a limit of 16 occupants.  
25

26 Mr. Schroeder stated that he was on the Mental Health Board when the standardized requirements were  
27 enacted because a lot of this type of service was required by the community therefore it was decided that the  
28 church would take on the responsibility to serve this need. He said that when he became involved it was not  
29 known how entangled it would be and at the time the church served the 25 people that were in need. He said  
30 that at the time it was at the mercy of the Board to do some good for those folks.  
31

32 Mr. Bluhm asked the Board if there were any questions for Mr. Hall and there were none.  
33

34 Mr. Bluhm called Mr. Carl Webber to testify.  
35

36 Mr. Carl Webber, attorney representing the Apostolic Life UPC Church and Lifeline Connect Ministry,  
37 stated that he will try to summarize the work that has been done within a short period of time without  
38 leaving something out. He thanked Mr. Schroeder for his comments and said that he just came from the  
39 Developmental Services Board himself and between those two entities a tremendous amount of work has  
40 been completed. He said that this request would not be in an attempt to change anything that was done  
41 before and should be looked at as a different approach or need and would not have any influence on the  
42 availability of assistance. He said that the County Board suggested the need for this type of provision in the

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1 Zoning Ordinance in allowing what is described as “Residential Recovery Centers.” He said that the  
2 facilities, as described by staff, are available to assist those who are recovering from some form of substance  
3 abuse but are not described to fill these needs of those who require medical services, treatment, or those with  
4 mental and physical disabilities. He said that Lifetime Connect Ministry is a faith based rehabilitation  
5 program for men who suffer from alcohol, drug or other prescription addiction. He said that he realizes that  
6 he is not before the Board tonight to request approval of a special use permit but he does want to make sure  
7 that the Board is aware of the specific need. He said that there is a maximum of eight men in the program  
8 with currently six enrolled.  
9

10 Mr. Webber stated that the facility adjoins and is operated by the Apostolic Life UPC Church which is  
11 located at 2107 High Cross Road on a 6-1/2 acre tract. He said that the old Pyramid Paper building was  
12 turned into a beautiful facility with a large number of people supporting the church. He said that the church  
13 has been a big help to High Cross Road and it is his understanding that the neighbors support its existence.  
14 He said that the church has operated the organization “Lifetime Connect Ministry” for several years as a  
15 religious function of the church and as it expands the organization will probably require a license, which of  
16 course will be applied for if required. He said that it has been suggested that even as it would be continued  
17 the facility will be an accessory use on the property and the addition that would be built in the future would  
18 be less than 1/10th of the size of the church itself. He said that he, his clients and staff have agreed to  
19 disagree on this issue and suggested that regardless of the fact that they believe that it is simply an additional  
20 or accessory use they believe that what staff has proposed will work and appreciates staff’s efforts. He said  
21 that this issue was brought before the County Board to authorize staff to propose the text amendment before  
22 this Board for a recommendation. He said that there were 60 to 70 people present at the County Board  
23 meeting and several addressed the County Board including graduates of the program, the director of the  
24 program and several neighbors who were all in favor of the facility. He said that many of those people are  
25 present at tonight’s meeting including three graduates, the director, on-site director and the pastor to answer  
26 any questions that the Board may have regarding this use. He said that they realize that a recommendation  
27 will probably not be finalized tonight but they would like to submit as much information as possible.  
28

29 Mr. Webber stated that there are special uses allowed in the AG-2 District which are much more intrusive  
30 than the proposed use such as motels, schools, nursing homes and libraries because they would require large  
31 parking lots and a lot of lighting. He said that staff has proposed conditions upon the approval such as 24-  
32 hour, seven days per week supervision by a responsible and qualified staff person, religious connection,  
33 proximity to a municipality, etc. which frankly may almost limit the use to this particular location. He said  
34 that this is kind of like a generally written state statute that applies to all cities with a population of over two  
35 million even though it really only applies to Chicago.  
36

37 Mr. Webber stated that the proposed text amendment is much more restrictive than the ordinances in the  
38 City of Champaign and the City of Urbana and is indeed a very different proposal. He said that the AG-2  
39 provision does allow a larger number of residents than the City of Champaign or City of Urbana ordinances  
40 and this is for a very good reason. He said that they had hoped for an allowance of 30 residents but under  
41 Mr. Hall’s recommendation they are willing to proceed with a request of 25. He said that as people rotate in  
42 and out of the facility the maximum number of 25 may be reached during a few months a year while the

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1 average number of people present at the facility may 18. He said that if there is someone who is ready to  
2 commit to this type of a program then it is not preferable to inform them that it is hoped that they will still be  
3 willing to commit in four months when there is a vacancy. He said that when someone commits to the  
4 program they are committing to being there and involved in the facility for one full year. He said that other  
5 programs are only for sixty to ninety days where the clients are run in and out the door. He said that at the  
6 subject facility the staff is very careful with having a slow process during each month of their stay. He said  
7 that during the first six months the client is only onsite and during the second six months they will have a  
8 part-time job in town hence the reason why whatever facility is approved is on the bus route for  
9 transportation. He said that the proposed use is not a community living facility like what would be discussed  
10 with the Board of DSC or Mental Health because they are very different entities. He said that he does not  
11 believe that the proposed use should be lumped with a community living facility and even though the City of  
12 Urbana has chosen to do such, and he will not necessarily indicate that they are wrong, but if you are trying  
13 to focus on one side or the other it will make it difficult to try to conform to the needs of both of these types  
14 of facilities. He said that the City of Champaign has a provision that focuses on just these types of facilities  
15 but they have a provision that allows them by-right in R-1, R-2 and R-3 therefore they are very conservative  
16 of the type of facility and the kind of people that are at the facility. He said that he does not believe that the  
17 City of Champaign or the City of Urbana is talking about apples versus apples although he has not had an  
18 opportunity to speak with their planning departments. He said that the important thing that he would like to  
19 place before the Board is the need for the proposed use at this location and why this type of facility is a  
20 reasonable request and merits the Board's support.

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

41  
42 Mr. Webber stated that with the ability to have more residents the facility will be more efficient and the

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1 organization will be able to afford to pay people to operate the facility. He said that he spoke with the Chief  
2 Judge of the Circuit Court 10 year ago and during their conversation the judge indicated that we were losing  
3 the war on drugs. Mr. Webber said that this is a chance that can be made to win the war on drugs and the  
4 neighbors of the facility are on board.

5  
6 Mr. Webber suggested that this is a religious use and the County should stay “hands off” but if it can be  
7 worked out then he would love to ignore the argument. He suggested that the Fair Housing Act applies and  
8 the American Disabilities Act applies and it is his job is to try to make this work for the organization. He  
9 said that the philosophy of the Fair Housing Act is indeed the reason why these types of facilities are needed.  
10 He said that the Americans with Disabilities Act does not apply to people who are on drugs only for those  
11 who are working on getting off the drugs. He said that it is hoped that the County will accept and welcome  
12 this project and the church is willing to proceed under the approach that staff has suggested and he hopes that  
13 our society will have more not fewer institutions like Lifeline Connect. He said that he could talk for a long  
14 time about this project but he will not and he would be happy to address any questions or concerns that the  
15 Board may have.

16  
17 Mr. Bluhm asked the Board if there were any questions for Mr. Webber.

18  
19 Ms. Capel stated that it has not been specified as to the number of staff required for the facility and she  
20 would think that there are guidelines for how many staff persons would be required.

21  
22 Mr. Webber stated that they have a requirement that a staff person is present at the facility 24-hour, seven  
23 days per week and that will vary depending upon how many people are in the second program versus the  
24 number of people that are in the first. He said that the answer to Ms. Capel’s question is in the massive  
25 Administrative Code and he will be happy to obtain that answer as soon as possible but he can’t tell the  
26 Board the answer off of the top of his head.

27  
28 Mr. Courson asked Mr. Webber if he could share the success rate of the program.

29  
30 Mr. Randy Brown requested the opportunity to testify.

31  
32 Mr. Bluhm requested that Mr. Brown sign the witness register and then he will allow him the opportunity to  
33 address the Board.

34  
35 Mr. Randy Brown, Director of Lifeline Connect Ministry, stated that he hears that question a lot and  
36 everytime he hears an answer he wonders how they know. He said that after one year when men graduate  
37 from the program they are offered several options. He said that they can go into Phase #3 where they are  
38 basically out of the residential program but the organization continues to help them with their finances, the  
39 graduate must complete 100% accountability and they are still involved in classes. He said that they are  
40 offered a mentoring and accountability plan for other residents. He said that the success rate is  
41 approximately 80% but there are of course a few people who have been able to leave the program after six  
42 months. He said that a graduate who stays involved in the program authorizes the program to perform a drug

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1 test on them every month. He said that after someone has graduated from the program but does not  
2 participate in the mentoring and accountability plan he has no way to project their success rate.

3  
4 Mr. Bluhm asked the Board if there were any questions for Mr. Brown and there were none.

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

7  
8 Mr. Thorsland stated that Section 2060.509g)1)A)C) of the Joint Committee on Administrative Rules  
9 Administrative Code indicates the staffing requirements for any building housing 17 or more residents.

10  
11 Mr. Webber stated that the Recovery Home section recognizes that a facility can be over and under a specific  
12 number of residents and the facility would have the responsibility to conform as to whether they are over or  
13 under that specific number. He said the State is pretty strict about this and whatever is required the facility  
14 will have. He said that depending upon how the number of residents are counted there are probably three  
15 time the number of staff that is required because there is Pastor Rogers, his wife who is in charge of the  
16 curriculum, Mr. Brown and the on-site director who will live at the facility with his wife. Mr. Webber stated  
17 that the residents are considered part of the church family. He said that the facility is aware that they will  
18 have to conform to the required level but currently and in the future they are above or at the minimum.

19  
20 Mr. Thorsland asked Mr. Webber if the Board recommends a limit of 25 residents, which will require  
21 specific licensing, will the program be willing to seek such licensing.

22  
23 Mr. Webber stated yes.

24  
25 Mr. Bluhm asked Mr. Webber if a size requirement is in the code as to the size of the building and how  
26 many people can be housed in that building.

27  
28 Mr. Webber stated that there is an architectural review required for both types of facilities. He said that the  
29 type of facility that requires treatment is the more complicated facility which they are not, therefore the  
30 architectural review for their facility is less stringent but in any case fire codes, etc. are applicable which are  
31 more strict than the default code of the County.

32  
33 Mr. Bluhm stated that he did not know if there was a square footage requirement per person or one bathroom  
34 for so many residents.

35  
36 Mr. Webber stated that there are requirements for a recovery home but the requirements are less strict.

37  
38 Mr. Hall stated that when there is a church that has been approved within a municipal ETJ staff has found  
39 that municipalities like to know that the building, that may be annexed someday, has been built to codes that  
40 they have adopted. He said that this is a condition that he would like the petitioners to think about because it  
41 generally helps with compliance of the State Fire Marshall's Life Safety Code if the facility complies with  
42 the building code of the municipality.

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1  
2 Mr. Webber asked Mr. Hall if the City of Urbana and the State Fire Marshall use the International Building  
3 Code.  
4  
5 Mr. Hall stated yes and this will be a special condition for approval.  
6  
7 Mr. Webber stated that he cannot imagine that they would not follow that code.  
8  
9 Mr. Bluhm asked the Board if there were any additional questions for Mr. Webber and there were none.  
10  
11 Mr. Bluhm asked if staff had any additional questions for Mr. Webber and there were none.  
12  
13 Mr. Bluhm asked the audience if anyone desired to sign the witness register to present testimony regarding  
14 Case 668-AT-10 and there was no one.  
15  
16 Mr. Bluhm closed the witness register.  
17  
18 Mr. Hall asked the Board if there were any concerns regarding this case that they would like staff to follow  
19 up on. He said that staff's task is to produce a finding of fact with enough evidence under the policies so  
20 that when it goes to the municipal plan commission the Board's justification is there for review. He said that  
21 currently staff's argument for justification is based on what was included in the May 21, 2010, Preliminary  
22 Memorandum but if the Board has concerns now is the time to voice those concerns to staff.  
23  
24 Ms. Capel stated that it appears that the Board is concerned about the architectural review, staffing and  
25 building codes.  
26  
27 Mr. Bluhm stated that it appears that staffing is included in the code.  
28  
29 Mr. Hall stated that he spoke to Mr. Webber about another standard condition being that staff is writing the  
30 text amendment so that the facility doesn't necessarily have to have any license but in the context of any  
31 hearing for a particular use it may be discovered that a license is required and he would recommend that  
32 requirement as a standard condition. He said that this condition will not set it as a requirement but it would  
33 be the kind of condition that would require that if the State of Illinois does require a license for a facility then  
34 the license must be obtained within the state's guidelines.  
35  
36 Mr. Bluhm stated that Mr. Webber's testimony regarding why the larger number of residents works.  
37  
38 Mr. Hall stated that he spoke to Mr. Webber about having a maximum and average occupancy and the  
39 maximum is a function of being able to bring people in when they commit. He said that he does not know if  
40 those same concerns apply at a community living facility and that might be a good reason why the allowance  
41 of 16 residents might work for a community living facility but a cushion or buffer may be required on top of  
42 that for a residential recovery center.

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1  
2 Mr. Bluhm stated that City of Urbana has indicated that they would protest a limit of 30 residents.

3  
4 Mr. Hall stated that he replied to both municipal staffs to make them aware of the change and that the  
5 amendment which is before the Board tonight does not have a limit of 30 residents in it. He said that even  
6 though they used the limit of 30 residents in their comments staff is not actually proposing such. He said  
7 that the municipalities comments were early and very conservative comments therefore until they are fully  
8 aware of what staff is proposing they do not know how their Commission will recommend or what their  
9 Council will do. He asked the Board if anyone had any significant reservations about the property being  
10 located in the AG-2 District.

11  
12 Mr. Bluhm stated that the AG-2 Districts are supposedly the closest agricultural district to a municipality.

13  
14 Mr. Hall stated that staff has written this text amendment as tightly as possible and if he could think of other  
15 ways to further limit the use he would.

16  
17 Mr. Bluhm asked Mr. Hall if it is a hard process to see how many churches are located in the AG-2 District.

18  
19 Mr. Hall stated that he is aware of three churches in the AG-2 District located in the City of Champaign's  
20 ETJ and one in the AG-2 District located in the City of Urbana's ETJ. He said that there are other churches  
21 within the municipalities ETJ but they are not located in the AG-2 District. He said that the City of  
22 Champaign has a real interest in this because there are at least three churches in the AG-2 District within  
23 their ETJ. He said that the Apostolic Church by distance is close to the Urbana border but when you are  
24 there it is not obvious but when you are at any of the three churches close to Champaign it is obvious that the  
25 City of Champaign is less than one-half mile away.

26  
27 Mr. Hall noted that Mr. Knight has already started on the finding of fact because it is one of staff's top  
28 priorities to get this case to the County Board as soon as possible.

29  
30 **Mr. Courson moved, seconded by Mr. Palmgren to continue Case 668-AT-10 to the June 17, 2010,**  
31 **meeting. The motion carried by voice vote.**

32  
33 Mr. Bluhm stated that the Board will now hear Case 665-AT-10.

34  
35 **7. Staff Report**

36  
37 Mr. Hall stated that the County Board asked questions regarding the small wind amendment and they were  
38 such simple questions that he could not come up with a simple answer during the meeting. He distributed a  
39 handout, Attachment A, to the Board for review regarding questions from the May 4, 2010, Committee of  
40 the Whole Meeting. He said that he would like to include this handout in the memo that is being mailed next  
41 Wednesday. He said that he somewhat stumbled his way through answering the questions from the County  
42 Board with a 40-page finding of fact in front of him but the text amendment is coming back before them this



1  
 2 Mr. Thorsland indicated that Line 28 of Page 5 should be corrected to indicate the  
 3 following: Mr. Thorsland stated that if he had a gate it would not be in the visibility  
 4 triangle and it would be transparent. He said that the fire department can open up any gate  
 5 they need to.

6  
 7 **Ms. Capel moved, seconded by Mr. Courson to approve the May 27, 2010, minutes as**  
 8 **amended. The motion carried by voice vote.**  
 9

10  
 11 **5. Continued Public Hearing**  
 12

13 **Case 657-V-09** Petitioner: **Larry and Diane Lambright; and Scott Lambright**  
 14 **Request: Authorize the use of an existing two story detached accessory storage**  
 15 **building with a second story deck with a side yard of three feet in lieu of the required**  
 16 **ten feet side yard for accessory structures in the AG-2 Agriculture zoning district,**  
 17 **and an average height of 16 feet in lieu of the maximum allowed 15 feet average**  
 18 **height for residential accessory structures on lots less than one acre in area in the AG-**  
 19 **2 Agriculture zoning district. Location: Lot 1 of Cook’s Replat of Tract B of the K.D.**  
 20 **Headlee Subdivision in Section 14 of Mahomet Township and commonly known as**  
 21 **the house at 206B Lake of the Woods, Mahomet.**  
 22

23 Mr. Bluhm informed the Board that Case 657-V-09 has been withdrawn by the Petitioner  
 24 therefore there will be no further testimony on this case tonight.  
 25

26 **Case 668-AT-10** Petitioner: **Zoning Administrator** Request: **Amend the Champaign**  
 27 **County Zoning Ordinance as follows: 1. In Section 3, add Residential Recovery**  
 28 **Center as a defined term, and is generally a group living facility for residents who are**  
 29 **receiving support and training to assist them in recovering from the effects of**  
 30 **chemical and alcohol dependency; and 2. In Section 4.2.1`C. authorize Residential**  
 31 **Recovery Center as a second principal use on a lot with a church or temple in the AG-**  
 32 **2 District; and 3. In Section 5.2, add Residential Recovery Center to the Table of**  
 33 **Authorized Principal Uses as a use allowed by-right in the R-4 Multiple Family**  
 34 **Zoning District, and allowed by Special Use Permit only, subject to standard**  
 35 **conditions, only in the AG-2 Agriculture Zoning District and indicate a new footnote;**  
 36 **and 4. In Section 5.2 add the new footnotes as follows: a. Add a new footnote**  
 37 **indicating Residential Recovery Center is only allowed as a Special Use Permit in AG-**  
 38 **2 District when: (1) located within one-and-one half miles of a home rule**  
 39 **municipality with an adopted comprehensive plan; and (2) operated by church or**  
 40 **temple and located on the same property as the operating church or temple; and b.**  
 41 **Add a new footnote indicating the maximum number of residents in a licensed**  
 42 **Residential Recovery Center in the R-4 District is 16; and 5. Add Residential**  
 43 **Recovery Center to Section 6.1.3 with standard conditions of approval, including but**

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1 **not limited to: (1) the property must be served by public transportation; and (2) a**  
2 **limit of 25 residents; and (3) supervision by a responsible and qualified staff person,**  
3 **24 hours per day, seven days per week.**  
4

5 Mr. Bluhm requested that any testimony be directed towards the actual zoning amendment  
6 and not a particular site or case. He noted that this hearing is not for an actual site or case  
7 and is only a generality. He informed the audience that if a previous witness has given  
8 testimony that you agree with that you merely concur and not be repetitive.  
9

10 Mr. Hall distributed a Supplemental Memorandum dated June 17, 2010, to the Board for  
11 review. He said that this is the second meeting for this case. He said that after the mailing  
12 staff continued to work on the R-4 authorization and last week he realized that within the  
13 ETJ of Champaign the County's R-4 District is not used for multi-family dwellings and all  
14 through the 1990's it was used for single family subdivisions, simply to get a smaller side  
15 yard. He said that obviously this was okay because it was approved but the point is that  
16 when staff targets a text amendment thinking that the R-4 District is multi-family it isn't.  
17 He said that this is not how it was explained to the County Board and he is uncomfortable  
18 with this case continuing with allowing this in R-4 by-right. He said that staff has done  
19 enough work on this case that if the County Board ultimately decides that this is reasonable  
20 and would like to authorize it, even though no one has requested it, staff could run another  
21 text amendment which should be a simple thing to get through the public hearing process.  
22 He said that Board members may recall that there were significant differences between  
23 what staff was proposing to allow by-right and what the City of Champaign allows by-right  
24 and anytime there is a difference like this it requires coordination therefore at this time he  
25 would like to withdraw the by-right authorization for the R-4 District. He said that staff  
26 has documented this issue in the Supplemental Memorandum dated June 17, 2010, well  
27 enough that it could be passed along to the County Board at the proper time and if they  
28 choose to pick it up again then they can at that time.  
29

30 Mr. Hall stated that the Supplemental Memorandum dated June 17, 2010, includes pages  
31 45-49 of the Urbana Zoning Ordinance – Republished 2008. He said that this was included  
32 to illustrate to the Board that staff has correctly read the Table of Uses. He said that even  
33 though Urbana does not allow a Dwelling, Home for Adjustment in the AG District, which  
34 is the district that the City of Urbana envisions agricultural properties being annexed into  
35 their city, for some reason a Methadone Treatment Facility is authorized in the AG District.  
36 He said that it is his opinion that a Methadone Treatment Facility is a more intensive use  
37 than a Residential Recovery Center because the Methadone Treatment Facility is not a  
38 residential use but is more of medical clinic use which has patients coming and going on a  
39 regular basis and involves medical procedures. He said that a Methadone Treatment  
40 Facility deals with a population that is addicted to drugs therefore it is not completely  
41 dissimilar and there is some resemblance and the new evidence that has been prepared for  
42 the Board's review discusses this resemblance in the finding of fact. He said that this issue

1 is something that County staff desires to discuss with the staff from the City of Urbana. He  
2 said that also attached to the new memorandum is Revised Table 3. Comparison of  
3 Proposed County Ordinance with Existing Home Rule Municipality Requirements which is  
4 a table that the Board has reviewed at previous meetings. He said that staff has compared  
5 the proposed Residential Recovery Center to two uses, Recovery Home and Community  
6 Living Facility, Class III, authorized in the City of Champaign's Zoning Ordinance and  
7 three uses, Home for Adjustment, Methadone Treatment Facility and Community Living  
8 Facility, Class III, authorized in the City of Urbana. He said that previous versions of  
9 Table 3 had some inaccuracies in that it incorrectly indicated MF-1 as the lowest intensity  
10 zoning district that the City of Champaign would authorize the Recovery Home but in fact  
11 the City of Champaign authorizes the Recovery Home in their lowest intensity single  
12 family residential zoning district which is comparable to AG-2. He said that the revised  
13 table indicates that the only thing that appears to be similar to a Residential Recovery  
14 Center that the City of Urbana allows in their AG district is a Methadone Treatment  
15 Facility. He said that most of the inaccuracies were in the section of the table which  
16 discussed the districts in which those things are authorized, there are no notes and nothing  
17 else was changed. He said that there were several things in the finding that was included in  
18 the mailing on Friday that indicated that more evidence would be available at the hearing  
19 and in some instances staff included things that were incorrect. He said that Attachment C,  
20 New and Revised Evidence for Finding of Fact for Case 668-AT-10, is attached to the  
21 Supplemental Memorandum dated June 17, 2010, which includes everything where staff  
22 indicated that more evidence would be provided and includes several instances where staff  
23 has revised evidence. He asked the Board if they would like him to quickly review  
24 Attachment C or go directly to public comments.

25  
26 The consensus of the Board was to have Mr. Hall review Attachment C.

27  
28 Mr. Hall read and reviewed Attachment C, New and Revised Evidence for Finding of Fact  
29 for Case 668-AT-10, as requested. He said that County staff needs to coordinate all the  
30 new evidence with municipal staff and a previous, unsuccessful attempt was made to meet  
31 with both entities. He said that the amendment, at this time, is consistent with what staff  
32 previously discussed with the State's Attorney staff but the State's Attorney staff has not  
33 reviewed the new evidence and he would feel a lot more comfortable if this case did not  
34 move forward until the State's Attorney has had a chance to sign off on this evidence. He  
35 said that although he does not anticipate staff introducing new evidence at this time there  
36 are a lot of people at the meeting that desire to present testimony which may lead to new  
37 evidence but even if the testimony does not lead to new evidence he would request that the  
38 Board continue this case to a later date.

39  
40 Mr. Bluhm asked the Board if there were any questions for Mr. Hall.

41  
42 Mr. Palmgren asked Mr. Hall if the standard condition limiting the occupancy to no more  
43 than 10% of the maximum capacity of the primary worship area eliminates the previous

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1 limit of 25 residents allowed.

2

3 Mr. Hall stated that he believes that the limit is still at 25.

4

5 Mr. Palmgren asked if the limit would still be valid because the current text indicates that  
6 the occupancy can be no more than 10% of the maximum capacity of the primary worship  
7 area. He said that if there is no cap on the occupancy then a definition of primary worship  
8 area should be included in the text because it could vary with different churches.

9

10 Mr. Hall stated that if the Board desires to put a cap on the 10% then he would agree that it  
11 would be a good thing.

12

13 Mr. Thorsland stated that Item #1.4(2) of Attachment C originally indicated a limit of 25  
14 residents in the AG-2 District.

15

16 Mr. Hall stated that Item #1.4(2) is out of date.

17

18 Mr. Bluhm stated that we are either discussing 10% of the primary worship area or a  
19 maximum cap of 25 residents or combination.

20

21 Mr. Hall stated that the recommendation is to at least have it limited on the capacity of the  
22 primary worship area and if the Board desires to place an upper limit on that then that is  
23 fine.

24

25 Mr. Bluhm stated that the way the current text is written limits it to only 10% of the  
26 primary worship area.

27

28 Mr. Hall stated yes, and Item #1.4(2) is incorrect.

29

30 Mr. Palmgren stated that a maximum of 25 residents is a reasonable cap.

31

32 Mr. Thorsland stated that the minutes of the previous hearing indicates that the Board  
33 discussed a limitation with Mr. Webber and it was decided that a cap of 25 was acceptable.  
34 He said that he is comfortable with a limit of 10% of the primary worship area.

35

36 Mr. Hall stated that that largest one that he could imagine that the Board would ever see,  
37 using the 10% limit, would have a limit of 25 residents. He said that staff reviewed their  
38 records and it was determined that the maximum for the only known facility that could be  
39 proposed would be 25. He said that once the Board gets to that case it may be different but  
40 currently staff has determined that even at using the 10% limit there still could be no more  
41 than 25 residents. He said that if the Board is more comfortable with placing a cap of 25  
42 then by all means that should be done.

1  
2 Mr. Courson asked Mr. Hall why this use is only being tied to a church.  
3  
4 Mr. Hall stated that this use is being tied to a church because it is a church that has made  
5 such a request therefore staff went to the County Board with this text amendment. He said  
6 that if the Board desires to expand the use beyond a church then a re-advertisement would  
7 be required.  
8  
9 Mr. Courson asked if sex addicts would be included in this use.  
10  
11 Mr. Hall stated that he doubts that sex addiction is regulated under the same statute. He  
12 said that if the Board feels that sex addiction is reasonable and consistent with everything  
13 else then the text amendment could be expanded to include it. He said that staff should  
14 verify if there are any relevant statutes regarding sex addiction at this type of facility.  
15  
16 Mr. Bluhm asked the Board if there were any additional questions for Mr. Hall and there  
17 were none.  
18  
19 Mr. Bluhm called Mr. John Rhoads to testify.  
20  
21 Mr. John Rhoads, who resides at 511 W. Church, Champaign stated that he is an intern  
22 with Webber and Theis and he would like to discuss some of the legal issues surrounding  
23 the Zoning Ordinance. He said that the question may be asked as to why AG-2 is  
24 considered the proper zoning for this particular use. He said that while single family  
25 dwellings already constructed are permitted by-right in AG-2 the range and number of  
26 special uses permissible in this zone indicate that AG-2 is not intended to focus on  
27 residential uses. He said that anyone who desires to develop a single family residential  
28 subdivision must obtain permission and so too must someone who wishes to build a  
29 commercial greenhouse, sawmill or amusement park. He said that many of the special uses  
30 allowed in AG-2 are not allowed in any residential zone. He said that the AG-2  
31 designation was created with a broad range of goals in mind and should not be regarded as  
32 a residential zone. He said that AG-2, limited by the requirement to obtain a special use  
33 permit, is a proper district in which to allow a residential recovery center. He said that the  
34 perimeters and requirements set out for residential recovery centers restrict the use of the  
35 facilities that should not present any concerns to area residents. He said that the near rural  
36 setting in AG-2 is an ideal location for these young men to experience recovery.  
37  
38 Mr. Bluhm asked the Board if there were any questions for Mr. Rhoads and there were  
39 none.  
40  
41 Mr. Bluhm called Mr. Joseph Coble to testify.  
42  
43 Mr. Joseph Coble, who resides at 2412 N. High Cross Road, Urbana stated that he owns

1 five acres on each side of High Cross Road and he has no idea where a residential recovery  
2 center is going to be located. He said that the same type of thing was done in downtown  
3 Champaign and it was a mess. He said that Dr. Savaas, a property owner of several  
4 buildings in the vicinity, could not rent his buildings for over two years due to the  
5 residential recovery center's residents. He said that he believes that the proposed use is  
6 ridiculous and he does not understand why the County would be willing to use its good  
7 farm land so that people could rescue themselves. He said that there are woods in the  
8 vicinity of the facility and he does not know how the residents will be able to live with the  
9 deer and other livestock in the area. He said that such a use will ruin the value of his  
10 property and he fully opposes it.

11  
12 Mr. Bluhm requested that Mr. Coble keep his comments to the text amendment and not to  
13 a particular site. He said that Mr. Coble's concern about the proposed use devaluing  
14 surrounding property is a general comment that would pertain to the text amendment.

15  
16 Mr. Bluhm informed Mr. Coble that this public hearing is for a general text amendment for  
17 the entire County and not for a particular site.

18  
19 Mr. Bluhm asked the Board if there were any questions for Mr. Coble and there were none.

20  
21 Mr. Bluhm called Mr. Randall Brown to testify.

22  
23 Mr. Randall Brown, who resides at 2408 N. High Cross Road, Urbana stated that he is  
24 present tonight in opposition to the proposed amendment as described in case number 668-  
25 AT-10. He said that although the purpose of the residential recovery center is for the  
26 betterment of selected individuals, it is not in the best interest of the County to adopt the  
27 request. He said that approval of the proposed changes increases the liability of the County  
28 relative to the term "spot zoning" should this progress. He said that for those unfamiliar  
29 with the term, "spot zoning" refers to applying the map portion of a zoning ordinance to a  
30 particular parcel of land without regard to its surroundings. He said that an easy analogy of  
31 a spot zoning is commercial zoning on a residential lot that is situated mid-block in a  
32 subdivision and if this is to progress it sounds like the same thing will be done on High  
33 Cross Road. He urged the Board to carefully step into this amendment because there is a  
34 red flag flying very high because it sounds like the County is trying to appease a group of  
35 certain people. He said that in this case it is clear that the LRMP Purpose statement  
36 definition of a goal is not being upheld with this request. He said that the definition is  
37 stated as "an ideal future condition to which the community aspires." He said that the local  
38 community does not aspire to the passage of any of the amendments proposed in this  
39 request. He said that the Preliminary Draft in this case is clearly in error as on Page 5,  
40 Section 6.E, Goals 3,8, and 10 have been dismissed as irrelevant, when in fact they are very  
41 relevant. He said that Goal 3, Prosperity, is extremely relevant in this case. He said that if  
42 approved the residential recovery center would have no tangible positive impact other than

1 exposing the public to addictive personalities in transition or, potentially, a criminal  
2 element. He asked the Board if they would consider that consistent with prosperity because  
3 he would not.  
4

5 Mr. Brown stated that Goal 8, Natural Resources, is relevant as further coverage of land in  
6 the area will affect adequate drainage. He said that drainage problems will increase with  
7 potential further lot coverage. He said that without adequate drainage, an adverse effect  
8 could arise on a neighboring AG-2 property adjacent to the church property and long term  
9 this is in conflict with sustainability as addressed in Objective 8.4. He asked the Board if  
10 they consider that consistent with sustainability because he would not.  
11

12 Mr. Brown stated that Goal 10, Cultural Amenities, is relevant as the introduction of the  
13 residential recovery center has the potential for a long-term cultural shift from a more rural  
14 environment that is quiet and reserved to a neighborhood in transition based on increased  
15 pedestrian traffic and vehicular traffic and the possible introduction of a criminal element  
16 which can have long-term trickle down effect. He said the one devastating effect could be  
17 decreased property values. He asked the Board if they would consider up to 25 transitional  
18 personalities a cultural amenity because he would not.  
19

20 Mr. Brown stated that there are lengthy discussions in the draft which is relative to Goals 4,  
21 5, 6 and 7. He said that the proposed request does not achieve or conform to Goal 4 based  
22 on a common sense approach and any further human contact with natural resources with  
23 natural resources usually proves to be adverse. He said that the proposed amendment does  
24 not achieve or conform to Goal 5 as the site is not suited nor is consistent with all LRMP  
25 policies. He said that the proposed amendment proposal neither conforms nor achieves  
26 Goal 6 as 6.1.4 is deemed irrelevant when, in fact, the introduction of a residential recovery  
27 center may, over time, add to urban blight. He said that the proposed amendment does not  
28 comply or achieve Goal 7 as the introduction of up to 25 new residents will have an impact  
29 on the comings and goings at the church. He said that a traffic analysis should be  
30 conducted to prove the viability of 7.1.1 conformity should a residential recovery center be  
31 approved at any site.  
32

33 Mr. Brown stated that in regards to the comments by the petitioner's counsel, it is  
34 confirmed that the proposal is in such a tentative state that it should be considered further.  
35 He said that the petitioner's council has stated that none of these six factors preclude us  
36 from designing or building an expansion that would fully satisfy *LaSalle*. Mr. Brown  
37 stated that as the Board knows, counsel's statement is in reference to *LaSalle National*  
38 *Bank of Chicago vs. Cook County*. He said that these are the basic factors used by Illinois  
39 courts to determine the validity of zoning ordinances yet the petitioner's counsel has failed  
40 to include in the argument two other factors that were added to the Standards of Review in  
41 1960 via *Sinclair Pipeline Company vs. Richton Park* and these are community need for  
42 the proposed land use; and the care with which the community had undertaken to plan its  
43 land use development. He said that given omissions by counsel it is in the County's best

1 interest to also consider the two latter additions which are relevant to this case. He said  
2 that the community need for the proposed land use is unnecessary as the need would best  
3 be served nearer the inner-city where infrastructure would best support the general welfare  
4 of the residents. He said that the care with which the community had undertaken to plan its  
5 land use development lies in the Board's hands and approval of a residential recovery  
6 center in the remoteness of a location away from most services, not even a safe walking  
7 distance from the nearest grocery store, just doesn't make good sense.

8  
9 Mr. Brown stated that in closing he wanted to emphasize that the acceptance of the  
10 proposed request potentially exposes an AG-2 neighborhood to the possibility of the  
11 introduction of a criminal element while increasing costs to the County in food service  
12 compliance and potentially, Sheriff's services. He said that in addition, there would be an  
13 increase in "at risk" pedestrian traffic, "at risk" vehicular traffic for a 24/7 operation,  
14 increased stress on the drainage of waste water from the church property and the potential  
15 for a yet to be defined new construction which as the potential to exceed lot coverage  
16 ordinances or require variance in the future. He said that as important, is the previous  
17 reference to spot zoning which may prove non-defensible in the courts.

18  
19 Mr. Brown thanked the Board for its time and urged each of the members to move against  
20 this request so that it does not go any further than tonight.

21  
22 Mr. Bluhm asked the Board if there were any questions for Mr. Brown and there were  
23 none.

24  
25 Mr. Bluhm called Mr. Albert Willms to testify.

26  
27 Mr. Albert Willms, who resides at 2405 N. High Cross Road, Urbana stated that this is his  
28 first notice of this meeting because he did not receive anything about prior meetings or this  
29 meeting. He said that he has property adjacent to the church and the proposed recovery  
30 center. He said that his problems exist prior to the proposed recovery center therefore it is  
31 included in his remarks. He said that when the property housed the Pyramid Paper property  
32 problems were incurred in installing a septic field but at the time there were very few  
33 employees. He said that as far as he knows the septic field is still the same and a church  
34 only meets once or twice a week which would not be a problem but currently we are  
35 talking about a residential use of the property with upwards of 25 people on a 24/7 basis  
36 which would include the septic load. He recommended that the Public Health Department  
37 determine if the septic field is adequate for the group home and if not then changes would  
38 need to be made to the septic field which would impact the property behind the church. He  
39 said that currently during a heavy rain he receives drainage from the church property and  
40 the property to the west and that is not going to change but it may if there are more people  
41 on the property. He recommended that a detention pond be constructed if the property is  
42 changed in any way. He said that an additional issue which impacts his property is light



1 pollution. He said that the church installed lights to illuminate the property and he has  
2 requested that the lights be changed to motion sensor lights or to redirect the lights and  
3 nothing has been done. He said that since a group home is being requested the lighting  
4 situation is not going to change but the lighting does impact his soybean crop every other  
5 year because they are sensitive to light and they continue to grow until he sprays weed  
6 killer on them so that they may be harvested. He said that he has never passed the cost of  
7 spraying on to the church but he does feel that if the church is going to go into different  
8 areas of use then it behooves him to charge them for the chemical and labor that is involved  
9 in spraying his crop. He said that he will be submitting a written protest regarding his  
10 concerns to the County Board.

11  
12 Mr. Bluhm asked the Board if there were any questions for Mr. Willms and there were  
13 none.

14  
15 Mr. Bluhm called Germaine Light to testify.

16  
17 Mr. Bluhm repeated his request that all testimony is to be in regard of the text amendment  
18 and not to a general site. He said that all immediate concerns regarding a particular site can  
19 be addressed during a public hearing for such site.

20  
21 Ms. Germaine Light, who resides at 2402 High Cross Road, Urbana, stated that she would  
22 not have known about the text amendment if it were not for her neighbor informing her of  
23 the hearing. She said that she and her neighbors did not receive notification of this public  
24 hearing and believes that they should have been notified.

25 Mr. Bluhm stated that this public hearing is not for a specific site but for a county wide text  
26 amendment which was advertised in the newspaper.

27  
28 Ms. Light stated that one of her neighbors did receive notification of the public hearing.

29  
30 Mr. Bluhm stated that Mr. Brown received notification because there was confusion about  
31 the address of the Mr. Brown who testified at the last public hearing regarding the text  
32 amendment.

33  
34 Ms. Light urged the Board to vote against the text amendment. She said that it was  
35 questioned as to why this text amendment or use is only to be affiliated with a church. She  
36 asked if the project is receiving or applying for any government funding including federal,  
37 state, county or township. She said that if the project is receiving funding by government  
38 bodies is it ethical to be holding some sort of rehab center in a church if it is funded by  
39 public funds. She said that if it is not receiving government funding then is it ethical to  
40 have people rehabilitated in a church because the church could take advantage of rehab  
41 patients at a time when they are very vulnerable. She said that most people would agree  
42 that we would not want to have a public school held by public educators in a church since a  
43 public school is supported by tax funds. She said that children are very vulnerable and they

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1 shouldn't be influenced by one religion over another just because their public school is  
2 housed in a church. She requested that the Board investigate housing the use in other  
3 locations rather than in just a church. She thanked the Board and requested that they vote  
4 against the amendment.

5  
6 Mr. Bluhm asked the Board if there were any questions for Ms. Light and there were none.

7  
8 Mr. Bluhm called Gene Vanderport to testify.

9  
10 Mr. Gene Vanderport, who resides at 2402 N. High Cross Road, Urbana, stated that one of  
11 the issues that are central to zoning decisions is whether or not those projects for which the  
12 zoning changes are made are in fact sustainable. He said that he has been active for the last  
13 40 years in non-profit organizations, the public sector and public education and at this time  
14 we are witnessing a massive downsizing of similar kinds of programs and projects no  
15 matter how well meaning they may be. He said that he is concerned about funding sources  
16 and whether or not there are constant revenue streams to keep the project going recognizing  
17 that if funding sources are not adequate then downsizing will occur. He said that a typical  
18 symptom of downsizing in Champaign County and other adjacent counties is reduced  
19 supervision and decreasing access to professional services. He said that what nobody  
20 needs anywhere right now is yet another empty building that at one time had a very good  
21 purpose.

22  
23 Mr. Vanderport stated that a corollary question that he has is if clients are referred by legal  
24 entities and /or courts, by other social agencies, by educational entities, institutions, non-  
25 profits or other churches or is it a more volatile self-supporting program based on an  
26 already glutted market for services such as landscaping or yard work. He said that the  
27 answers to the questions regarding funding sources will help answer the question about  
28 whether the program can be sustainable over the long haul and will also help identify  
29 liability issues if they should go awry.

30  
31 Mr. Bluhm asked the Board if there were any questions for Mr. Vanderport and there were  
32 none.

33  
34 Mr. Bluhm called David Rogers to testify.

35  
36 Mr. David Rogers, who resides at 1802 N. Concord Lane, Urbana, stated that he is the  
37 Pastor of the Apostolic Church and the Director of Lifeline Connect. He thanked the Board  
38 for the opportunity to present testimony and realizes that this is a hearing for a text  
39 amendment. He said that he would like to speak in support of the proposed text  
40 amendment and refer to a facility which is located in the AG-2 District that is currently in  
41 operation and provides the type of use that would be allowed if the proposed amendment is  
42 approved. He said that according to the United States Substance Abuse and Mental Health

1 Service Administration 1 in 8 Americans has a significant problem with alcohol or drugs.  
2 He said that approximately 27 million Americans either use illicit drugs regularly or are  
3 heavy alcohol drinkers and of these nearly 16 million are estimated in need for immediate  
4 treatment. He said that chemical dependency along with associated mental health disorders  
5 has become one of the most severe health and social problems facing the United States of  
6 America. He said that chemical dependency and all the associated social woes has become  
7 one of the most significant problems in our community and in Champaign County.

8  
9 Mr. Rogers stated that Lifeline Connect is a ministry for men in recovery from substance  
10 addictions, chemical and alcohol addictions. He said that it originated from the ministries  
11 of the church which was founded 20 years ago in this community and is located in a facility  
12 that once housed Pyramid Paper Company which was an industrial warehouse, distribution  
13 center and a retail center and doing business as such generated significant trucking traffic,  
14 customer traffic and employee traffic. He said that since purchasing this property they have  
15 made many improvements to the building and the grounds and continue to maintain it in a  
16 way that is advantageous to the neighborhood. He said that as a church they have  
17 approximately 300 people who attend on a weekly basis and the church is very multi-  
18 cultural in that they have active youth and children's ministries, various educational  
19 training opportunities including, for the last four years, Lifeline Connect. He said that there  
20 are six to eight men in the Lifeline Connect program at any given time and there is the  
21 potential to have 20 and such an increase would not be adverse or obtrusive to the  
22 neighborhood. He said that just a 10% increase in the church membership would have the  
23 same impact as far as traffic and activities are concerned. He said that the residents  
24 voluntarily enroll for a one year recovery program and while they are enrolled they engage  
25 in the normal activities of the congregation. He said that the residents do not own  
26 automobiles while in the program therefore they do not add an increase in traffic and  
27 during the normal activities of the church these men become a significant part of the church  
28 community.

29  
30 Mr. Randall Brown voiced his objection to the allowance of Mr. Rogers' comments to a  
31 particular site. He stated that he was not allowed to present testimony to a particular site  
32 and requests that the same limitation be placed on other witnesses.

33  
34 Mr. Bluhm requested that Mr. Rogers keep his comments to a generality because this  
35 hearing is only for a text amendment and not for a particular site.

36  
37 Mr. Webber respectfully suggested that some discussion be allowed to give an example of  
38 the type of facility that will be allowed if the text amendment is approved.

39  
40 Mr. Bluhm informed Mr. Webber and the audience that the Board must only accept  
41 testimony as a generality in this case and if this case is approved and moved forward there  
42 will be a time and place for particular comments regarding a certain site. Mr. Bluhm stated  
43 that he understands that Mr. Rogers has some insight on how a treatment center is operated

1 and what it can do but he would rather his comments not be geared towards his particular  
2 facility. He said that he will accept comments as to how such a facility can enhance the  
3 community but the comments must not be related to a specific recovery center. He said  
4 that he also understands that site specific comments would be a great addition but currently  
5 the Board is reviewing the general scope of such a use and whether or not it should be  
6 allowed. He said that there will be a time for specific comment regarding a particular site  
7 but now is not that time.

8  
9 Mr. Rogers continued to indicate that not only is there a dire need for this type of facility in  
10 this community but for every community in the United States. He said that a recovery  
11 home of this nature, as described in the amendment, could continue to make a difference in  
12 the residents and their families. He said that this type of residential recovery center is  
13 common in the United States of America in cities large and small and there are  
14 organizations that oversee virtually hundreds of residential recovery centers under one  
15 organization. He said that he is in favor of the amendment because it would allow his  
16 church to provide for its community what many other communities already have which is  
17 to be a great help to those in need. He said that unfortunately every neighborhood in  
18 Champaign County has people who are struggling with drug and alcohol addictions and the  
19 resulting social woes of criminal behavior associated with the addiction. He said that a  
20 residential recovery center is not the entire answer but it is part of the answer for the war  
21 that we are struggling with as citizens.

22  
23 Mr. Bluhm asked the Board if there were any questions for Mr. Rogers and there were  
24 none.

25  
26 Mr. Bluhm called Brenda Rogers to testify.

27  
28 Ms. Brenda Rogers, who resides at 1802 N. Concord Lane, Urbana, stated that there are  
29 graduates from this type of program present tonight as well as current residents that would  
30 like to present testimony regarding the benefits and affects of a residential recovery center.

31  
32  
33 Mr. Bluhm reminded the audience that they are to only give general comments only.

34  
35 Mr. Chris Doxstator, who resides at 2107 N. High Cross Road, Urbana, stated that he has  
36 been in the program for 2-1/2 months and he cannot begin to tell the Board what the  
37 program has done for him. He said that the program has completely changed his life  
38 because alcohol was his drug of choice and he drank up to 1/2 gallon per day. He said that  
39 prior to coming to the program he was an electrician for 15 years and those who are  
40 opposed to such a program are obviously blessed to not have had a family member, loved  
41 one or close friend not affected by substance abuse. He said that he does not understand  
42 someone's lack of understanding for such a program because it has transformed his life.

1 He said that he has two daughters who are 11 and 14 and he has not had a drink since  
2 August 3, 2009, and his relationship with his family has improved. He said that he has a  
3 whole new group of friends in Champaign-Urbana and he would encourage the Board to  
4 vote in favor of the amendment because there is such a desperate need for such a program  
5 and if not here then where should it be.  
6

7 Mr. Bluhm asked the Board if there were any questions for Mr. Doxtator and there were  
8 none.  
9

10 Mr. Bluhm called Mr. Leslie Cotton to testify.  
11

12 Mr. Leslie Cotton, who resides at 1721 Cindy Lynn Street, Urbana, stated that he is 28  
13 years old and comes from a very wealthy family, raised in church and at 18 enrolled in  
14 college. He said that during college he fell into the party scene and became hooked on  
15 drugs at 21. He said that when he decided to get help for himself he enrolled in the  
16 program and it has changed his life and he is thankful for it.  
17

18 Mr. Bluhm asked the Board if there were any questions for Mr. Cotton and there were  
19 none.  
20

21 Mr. Chad May, who resides at 2016 E. Vermont Avenue, Urbana, thanked the Board for  
22 taking the time to assess this situation. He said that he is a former resident of the type of  
23 program that is being discussed tonight. He said that following an automobile accident he  
24 battled a drug addiction from pain pills for 8 years. He said that on May 17, 2010, he  
25 celebrated his third year of being sober and programs like these are not a just a "get clean"  
26 program because they give you tools and opportunities to make you a functional member of  
27 society. He said that currently he has a very steady job, a beautiful wife and they have just  
28 had their first child. He said that he is a functional citizen and it would not have been  
29 possible without a program like this. He said that he cannot stress enough how big of an  
30 epidemic we are having in our community and how big the need is for such a permanent  
31 program because it is a truly life changing program. He requested that the Board carefully  
32 consider allowing such a facility because the program that he was involved it truly made a  
33 positive impact upon his life.  
34

35 Mr. Bluhm asked the Board if there were any questions for Mr. May and there were none.  
36

37 Mr. Bluhm called Mr. Jeff Branson to testify.  
38

39 Mr. Jeffery Branson, who resides at 1721 Cindy Lynn Street, Urbana, stated that he grew  
40 up in a drug addicted family and drugs are how they coped with every day life. He said that  
41 when he was 12 years old he began doing drugs and did not stop until he was 19 years old.  
42 He said that he was in a program for 18 months and it totally changed his life because it  
43 gave him the tools to cope with life. He requested that the Board pass the proposed

1 amendment.

2

3 Mr. Bluhm asked the Board if there were any questions for Mr. Branson and there were  
4 none.

5

6 Mr. Bluhm called Thomas Martin to testify.

7

8 Mr. Thomas Martin, who resides at 1721 Cindy Lynn St, Urbana, stated that he is in favor  
9 of the proposed amendment. He said that he was a resident in a rehabilitation program  
10 such as this for approximately two years. He said that before he entered the program his  
11 life was a wreck and he had no purpose other than to get high on meth, marijuana, and  
12 prescription pills. He said that a program like this has changed his life and he has been  
13 clean for 2-1/2 years and he has a life of purpose, structure and discipline.

14

15 Mr. Bluhm asked the Board if there were any questions for Mr. Martin and there were  
16 none.

17

18 Mr. Bluhm called John Grubb to testify.

19

20 Mr. John Grubb, who resides at 1902 Shelly Court, Urbana, stated that he lives in the  
21 Richardson Estates Subdivision which is approximately two blocks away from the facility.  
22 He said that he has resided at this location for over ten years and he and his wife walk  
23 along High Cross Road and their neighborhood and he can say without any reservation that  
24 they feel safe. He said that he feels as safe now as when he moved in and he is in favor of  
25 the facility and he applauds the young men who are willing to sign a one year commitment  
26 and get off drugs and the streets. He said that it is the very, very least that that we can do,  
27 those who have not been addicted and are blessed to grow up in a non-addictive family, to  
28 help other people and he is disappointed in some of his neighbors who are willing to speak  
29 out and against such a facility. He said that he is more concerned about the pesticides that  
30 are being placed on the fields than he is concerned about this type of facility in his area  
31 because he has seen first hand how it can change lives. He said that America needs to  
32 stand up and help one another because it is a brotherhood from sea to shining sea not me,  
33 me, and me. He said that it is us we better get it together and help some of these people get  
34 off of the streets. He said that some of the graduates are getting their lives back personally  
35 and with their families and they are working along side of everyone else and it would not  
36 be known that they had such a problem.

37

38 Mr. Bluhm asked the Board if there were any questions for Mr. Grubb and there were none.

39

40 Mr. Bluhm called Mr. Randy Brown to testify.

41

42 Mr. Randy Brown, who resides at 1183 CR 2300E, Sidney stated that he would like to

1 thank the Board for their consideration of the proposed text amendment. He said that he  
2 also appreciates the Board’s consideration of amending the current things that govern our  
3 county that would possibly allow a church or synagogue to help people that desire to seek  
4 and achieve recovery from substance abuse. He said that when they were in the beginning  
5 stages of creating a facility at his church he visited many facilities across the United States  
6 therefore he can speak in general terms as to how these types of facilities are working. He  
7 said that it has been asked why a church is an ideal location for such a facility. He said that  
8 the reason why a church community works so well in recovery is not just due to the  
9 spiritual aspect, although it is his belief that there are a lot of spiritual things that has to do  
10 with it and he also believes that he serves a God that is a delivering God, but for a man or  
11 woman to achieve recovery they have to have a whole new support system. He said that a  
12 person in recovery has to learn a whole new way of dealing with life and dealing with life  
13 issues and the main thing that a man or woman in a recovery program has to learn to deal  
14 with is relationships because they have no idea how to navigate life and relationships. He  
15 said that one of the key things is to teach the resident how to have healthy relationships and  
16 what better place than a place where people want to have healthy relationships with them  
17 and they can mentor them and love them and bring them to a place of recovery. He said  
18 that he does not know or understand all of the legal jargon but he can tell the Board that  
19 this type of recovery center works because it provides the key elements of recovery and it  
20 marries the secular to the spiritual. He said that when you have the dynamics of the type of  
21 facility that is being considered you are not just throwing a bunch of tools at people but  
22 creating a way of life for them to begin using those tools for an extended period of time in  
23 a controlled, sober and safe environment. He said that this is not just a controlled, sober  
24 and safe environment for the residents but also for the community as well. He said that he  
25 realizes that Mr. Randall Brown does not know him but if he did not believe that all of this  
26 is true he could not stand before all of these people tonight with a clear conscious and  
27 recommend this for the community if he believed it would endanger it.

28  
29 Mr. Brown stated that approximately 18 years ago he began ministry and for at least 17  
30 years he has been involved in trying to aid men find recovery in their lives from substance  
31 abuse. He said that the stigma that goes along with drug addicts and alcoholics is common  
32 but as a general rule this is not what his organization is dealing with and the residents come  
33 from all walks of life and all kinds of homes. He said that there is an epidemic of folks  
34 who are just hooked on prescription medication and our kids are being hooked on  
35 prescription medication. He said that the term “these people” strikes a cord in of emotion  
36 in him because he cannot figure out who the term “these people” is referring to because it  
37 sounds like we are talking about a leper colony that should be put in a landfill. He said that  
38 everyone agrees that something should be done but they don’t want it in their back yard.  
39 He said that people who desire recovery do not belong in a landfill but do deserve the  
40 opportunity to recover. He said that he doesn’t want to give the impression that the facility  
41 is bug light to drug addicts in the community but are ministering to people that are already  
42 in the community and programs like this do that. He said that the facility has worked with  
43 people for a number of years and struggled with almost no success because they could not

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1 provide a safe and sober environment in order for people to receive recovery and they have  
2 dealt with people within the close proximity of their location. He said that recovery centers  
3 are already dealing with people with substance abuse issues in their direct vicinity and one  
4 option that a recovery center of this type could have would be an encouragement to get  
5 housing together in the direct community and just attend classes at the church with no  
6 supervision. He said that his organization believed that it would be a far better approach to  
7 be able to control the environment therefore they adopted, like many other facilities across  
8 the United States, a 24/7 supervision with weekly drug testing.

9  
10 Mr. Brown stated that in working with alcoholics and drug addicts for approximately 17  
11 years and he can say one thing for sure and that is that you can't work with alcoholics and  
12 drug addicts unless they desire recovery in their lives and leave those things behind them  
13 while seeking recovery. He said that this is the kind of person that is attracted to a program  
14 of this nature and not someone who is actively involved in drug use. He said that  
15 personally he had a father who was a cocaine addict therefore his first exposure to drugs  
16 were the drugs that his father gave him. He thanked the Board for considering the  
17 proposed text amendment because something needs to be done and it can be argued about  
18 where it is going to happen but in some shape or form it needs to happen within our  
19 community.

20  
21 Mr. Bluhm asked the Board if there were any questions for Mr. Brown and there were  
22 none.

23  
24 Mr. Bluhm asked Mr. Brown if a person is incarcerated or it is part of a deal with the courts  
25 that he has to enroll in a program does the facility accept such a person and if so, does the  
26 recovery work as well for that person as it would for someone who is outside of that realm.

27  
28 Mr. Brown stated that when a person is court mandated which is a court sentence that is  
29 usually only associated to their drug abuse problem which may be drug possession,  
30 paraphernalia charge or drug trafficking charge and is not a violent offender a possible  
31 scenario would be for a judge to convict the person but suspend the sentence if they would  
32 voluntarily agree to enroll in a house of recovery of some sort. He said that as a general  
33 rule they have so many applicants that are totally voluntary that they do not have to sift  
34 through motives and very rarely accept court mandated people. He said that their facility  
35 has only had one person who was believed to be court mandated but later discovered that  
36 he was not. He said that generally speaking they believe that a person is a good candidate  
37 if they are not court mandated.

38  
39 Mr. Bluhm called Mr. R.J. Eaton to testify.

40  
41 Mr. R.J. Eaton, who resides at 2107 High Cross Road, Urbana, thanked the Board for  
42 considering the proposed text amendment. He said that he is the Director of Operations at



1 a residential recovery center and as such he lives on campus with the residents. He said  
2 that he facilitates daily schedules and drug testing and the men are 100% accountable to  
3 him 24 hours per day, seven days per week. He said that if a residential recovery center  
4 was unsafe for the community then he and his wife would not reside at the residential  
5 recovery center.

6  
7 Mr. Bluhm asked the Board if there were any questions for Mr. Eaton and there were none.

8  
9 Mr. Bluhm called Mr. Randy Roberts to testify.

10  
11 Mr. Randy Roberts, who resides 4210 East Airport Road, Urbana, stated that he is a life  
12 long resident of Champaign County, a business owner and a Rotarian. He said that he  
13 would trust the Board to protect his interests as a property owner and he urged the Board to  
14 approve the proposed text amendment. He said that he sees no red flags because each  
15 request for such a facility would require a special use permit therefore it would be  
16 scrutinized and the thoroughness that this Board has shown this evening is very impressive.

17 He said that it was indicated in previous testimony that no one wants this type of facility in  
18 their back yard although he does have an empty lot behind his home and he would  
19 welcome such a facility. He said that he does have three children which range between 8  
20 and 12 years in age and he would have no issues which such a facility near his property.  
21 He said he has not seen anyone else lining up to request such a facility other than a church  
22 therefore why not have the use attached to a church.

23  
24 Mr. Bluhm asked the Board if there were any questions for Mr. Roberts and there were  
25 none.

26  
27 Mr. Bluhm called Carl Webber to testify.

28  
29 Mr. Carl Webber, attorney representing the Apostolic Life UPC Church and Lifeline  
30 Connect Ministry, stated that he would like to clear up a few details but he does not intend  
31 to attempt to match any previous testimony. He said that he respects Mr. Coble's opinions  
32 but he does not know if Mr. Coble is aware that the facility has been ongoing for four years  
33 and to his knowledge there haven't been any complaints filed throughout those four years.  
34 He said that the facility is not a meth facility and the facility that Mr. Coble was discussing  
35 was a meth facility. He said that in listening to the gentlemen that have been part of this  
36 organization it would not be expected to find them causing trouble in the neighborhood or  
37 the woods. He said that Mr. Randall Brown discussed the issue of "spot zoning" and when  
38 such is discussed it has to be applicable to only one site and that is not the case as indicated  
39 by staff. He said that as a practical matter there are not very many sites that are applicable  
40 for such a facility in the County that may qualify but if they do they would be allowed to  
41 request the use. He said that he could cite dozens of laws that are passed by the legislature  
42 and all that they address is communities of over 2 million people. He said that he and Mr.  
43 Hall have agreed to disagree as to whether this is an "accessory use" because he strongly

1 believes that it is an “accessory use” and he also understands that if it is looked upon as an  
2 “accessory use” it makes things much more complicated. He said that he also believes that  
3 the Fair Housing Act, as amended, addresses housing for disabled persons and specifically  
4 states that people who are addicted or on drugs or on alcohol at the time are disabled but in  
5 order to address facilities just like this it indicates that people who are in a recovery facility  
6 and are not on drugs are disabled. He said that the reason for this is so that a facility like  
7 this allows people who are trying to voluntarily trying to get themselves back in shape are  
8 not discriminated against. He said that there has been some concern about a criminal  
9 element and he can only suggest that the proof is in the pudding because the facility has  
10 been in existence for four years and there have been no problems and if there have been  
11 any the organization would address them. He said that the requirement for drainage is  
12 indeed an issue that should be addressed and he would suggest that it should be addressed  
13 in any application. He said that it is unlikely to be a problem because at the most a very  
14 small facility will be constructed and if these facilities typically do not allow their residents  
15 to have cars there would be no expansion of the parking lot therefore the total addition of  
16 an impervious surface is going to be very minor.

17  
18 Mr. Webber stated that there was some discussion about the possibility of a cultural shift.  
19 He said that he would suggest that there has not been a cultural shift in the last four years in  
20 the area and that the only cultural shift that has been found in that area is that we have gone  
21 from an industrial and retail area, in an area where this use might have been done, a facility  
22 would have taken a location where it may have had earlier a much more intensive use than  
23 the current use. He apologized for not being able to follow the suggestion about the natural  
24 resources not being affected but he would be glad to speak with the gentleman about this  
25 issue at any time and try to address it. He said that there are no examples of blight being  
26 caused in a particular location and if there were he would like to address any concerns. He  
27 said that there was reference in his letter, which was attached to the Supplemental  
28 Memorandum dated June 11, 2010, to his being tentative. He said that at the time when we  
29 had our last discussion they were asked if, under the statute, they considered themselves as  
30 a recovery home. He said that they didn’t know if they might be considered a recovery  
31 home but as it so happens they now believe that they are and are in the process of filing an  
32 application for that approval. He said that there were two other factors that were discussed  
33 tonight in regards to LaSalle and Sinclair and to the extent that Sinclair applies there is the  
34 issue of community need and Pastor Rogers and several others addressed the community  
35 need for such a facility in this area. He said that as to the question of addressing the issue  
36 he would suggest that the Board is being very careful.

37  
38 Mr. Webber stated that there was a question regarding the existing septic field and this is  
39 an issue which should be addressed during the special use permit application for a  
40 particular site and if there is any issue with the existing septic field then the petitioners will  
41 need to correspond with their neighbors. He said that because of the suggestion that the  
42 facilities are to be limited to 10% of the size of the church many things will be come fairly

1 minor and he does understand that they do need to be addressed. He said that since the  
2 issue of lights at a particular location was addressed he would like to say that after a  
3 discussion with Mr. Willms it was discovered that the facility cut the lights in half hoping  
4 that it would be sufficient although they haven't heard anything since. He said that if  
5 cutting the lights in half is not sufficient then he would like to further discuss the issue with  
6 Mr. Willms.

7  
8 Mr. Webber stated that there was a question as to why link this use to only churches and  
9 while he would personally rather not have this use limited to churches it appears that a  
10 church is the only interested party at this time for this type of facility. He said that there are  
11 no public funds for the current facility.

12  
13 Mr. Bluhm requested that Mr. Webber voice his comments in general and not site specific.

14  
15 Mr. Webber stated that since there were comments made regarding public funding he  
16 thought that he should address those comments but if the Board has determined that the  
17 previous comments were irrelevant then he will not go any further. He stated that there  
18 was a comment that a facility such as this is not sustainable but he would suggest that the  
19 way in which the text amendment has been suggested by being 10% of the size of the  
20 church means that the church being 10 times the size of the facility it is going to be able to  
21 handle it and continue it properly. He said that he was not able to follow the discussion  
22 where it was suggested that facilities like this were involved in a glutted market. He said  
23 that he believes that the market for the need of this type of facility is in deed not glutted.  
24 He said that he had previously mentioned to the Board that over 10 years ago a Chief Judge  
25 of the Circuit Court had indicated to him that we are losing the war on drugs. Mr. Webber  
26 stated that the Chief Judge was so dejected that he didn't quite know who he was speaking  
27 to because the Judge felt so strongly that we were losing. Mr. Webber stated that he hopes  
28 that a facility like this will help us turn that around just a little bit.

29  
30 Mr. Bluhm asked the Board if there were any questions for Mr. Webber and there were  
31 none.

32  
33 Mr. Bluhm asked the audience if anyone desired to sign the witness register at this time to  
34 present testimony regarding Case 668-AT-10 and there was no one.

35  
36 Mr. Bluhm closed the witness register.

37  
38 Mr. Bluhm asked the Board if there were any questions or comments for Mr. Hall.

39  
40 Mr. Bluhm asked Mr. Hall if the voluntary client versus a court mandated client should be  
41 considered in the text amendment.

42  
43 Mr. Hall stated that the City of Champaign and the City of Urbana prohibits someone from

1 participating in a recovery home or a home for adjustment pursuant to a conviction. He  
2 said that he does not know why this language is included in their ordinances but there may  
3 be something in the statutes which prohibit such participation. He said that what staff has  
4 proposed would not necessarily require the facility to be licensed although Mr. Webber has  
5 indicated that the facility that he represents may have to be licensed in which case if there  
6 is language like that in the statute then it would apply. He said that a condition was going  
7 to be added indicating that if a residential recovery center is approved and it is later  
8 determined that it must be licensed then such license must be obtained. He said that the  
9 Board does not want to approve something that is required by the State to be licensed and  
10 not require such in their approval.

11

12 Mr. Bluhm asked Mr. Hall if there is any prohibition of vehicles for the residents.

13

14 Mr. Hall stated that if it is not inserted that parking is not required then they would be  
15 obligated to provide parking. He said that depending upon the actual recovery center and  
16 the church that it is at and how much parking they provide versus the amount of parking  
17 that they need it may be determined that they already have enough parking area. He said  
18 that the Zoning Ordinance is set up to always require parking and if the Board desires to  
19 include an exception to that then staff would have to investigate such an exception because  
20 parking is a basic requirement of the Ordinance and he does not know if an exception could  
21 be written.

22

23 Mr. Courson stated that additional parking may not be required if only 10% can be added.

24

25 Ms. Capel stated that may be true at a particular site but not everywhere that the use will be  
26 allowed.

27

28 Mr. Thorsland stated if it falls under the licensing requirement then there will be mandatory  
29 employee parking and he is not aware if that parking will be in addition or included in the  
30 existing.

31

32 Mr. Hall stated that if staff sees a maximum recovery center we would expect it to have at  
33 least one space for each resident and one space for each employee therefore we would be  
34 anticipating 27 parking spaces. He said that 27 spaces would be a lot of parking therefore  
35 he would recommend to include it as an exception and the Board can always over ride it in  
36 the context of a particular special use and then someone would not have to request a  
37 variance. He said that it would be foolish to do this amendment and end up with someone  
38 possibly having to obtain a variance when staff knew from the beginning that it was not  
39 expected for the facility to provide that much parking. He said that this was not included in  
40 the legal advertisement but this is a minor change and should not be a problem.

41

42 Mr. Bluhm asked Mr. Hall if the additional parking was included as an exception is there

1 language indicating that no automobiles are allowed for the residents.  
2  
3 Mr. Hall stated that it is not a current condition but it could be included.  
4  
5 Mr. Courson stated that if Mr. Bluhm is referring to a specific facility then it is not an issue  
6 because they do not allow the residents to have automobiles. He said that the Board has to  
7 be careful not to be site specific.  
8  
9 Mr. Randy Brown stated that he had visited other facilities that did not allow automobiles  
10 for the residents.  
11  
12 Mr. Courson stated that it is possible that not all of the facilities will prohibit the residents  
13 from having automobiles.  
14  
15 Mr. Hall stated that this use is only being proposed to be authorized in the AG-2 District  
16 therefore does the Board desire a facility in the AG-2 District which has vehicles for each  
17 occupant. He said that it is more defensible if the Board purposely does not allow vehicles  
18 for the residents.  
19  
20 Mr. Courson stated that he agrees but it should not be just for a specific site but for all  
21 sites.  
22  
23 Mr. Hall stated that staff could put the exception in Section 7 and if someone wanted to do  
24 something different they would need to apply for a variance and prove to the Board that  
25 they are still going to comply with all of the policies even though they are going to have 25  
26 more vehicles on the site.  
27  
28 Mr. Courson asked Mr. Hall why new churches could not have such a facility when it has  
29 been stated time and time again during this hearing that there is a need for this type of  
30 facility in the community. He said that it would make sense to have a current up-to-date  
31 building for this type of service.  
32  
33 Mr. Hall stated that staff is trying to write an ordinance that creates the fewest conflicts  
34 with municipal ordinances and they do not allow things like this in their districts that are  
35 comparable to AG-2. He said that the only way that the County can be defensive,  
36 preserving best prime farmland and creating the fewest problems for the ZBA and the  
37 County Board is to comply with what the cities already have. He said that the church in  
38 which the facility is proposed must have existed prior to the adoption of the Zoning  
39 Ordinance which was October 10, 1973. He said that staff is not approaching this  
40 ordinance in an entrepreneurial way to rule out as many of these things a possible and there  
41 has only been one request received for a facility of this type. He said that if we ended up  
42 with an ordinance that would only make that one facility possible then that is what should  
43 be done. He said that if the County Board believes that this is a wonderful use and that it

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1 should be allowed in every church in the County and are willing to fight with the  
2 municipalities over this use then the ordinance could be written as such.

3  
4 Ms. Capel asked Mr. Hall if another recovery center was applied for at a location built after  
5 October 10, 1973, could they apply for a variance.

6  
7 Mr. Hall stated that is a standard condition and it is just a waiver therefore it is not iron  
8 clad.

9  
10 Mr. Knight stated that it is actually a footnote in 5.2 therefore it is iron clad and would be  
11 an issue for the Board.

12  
13 Mr. Hall stated that Mr. Knight is correct therefore a variance would not be allowed.

14  
15 Mr. Knight stated that Attachment B. Revised Draft Proposed Amendment dated June 11,  
16 2010, indicates in Item #4 the addition of two new footnotes in Section 5.2. He said that  
17 footnote 18.b reads as follows: Operated by and located on the same property as a church  
18 or temple that occupies a building which predominately existed on October 10, 1973.

19  
20 Mr. Hall asked the Board if they desired to keep it iron clad or a standard condition subject  
21 to waiver.

22  
23 Ms. Capel stated that not always but in this case she likes the standard condition option.

24  
25 Mr. Courson stated that he agrees with Ms. Capel and the Board should accommodate the  
26 need.

27  
28 Mr. Bluhm stated that if this is the feeling of the Board then a standard condition subject to  
29 waiver would be the way to go because it would be site specific and each case would stand  
30 on its own.

31  
32 Mr. Hall stated that the Board previously indicated that they desired to add back in the cap  
33 of a limit of 25 residents.

34  
35 Mr. Bluhm requested a continuance date for Case 668-AT-10.

36  
37 Mr. Hall stated that he would like to see this case continued to July 15, 2010. He said that  
38 this case should be placed ahead of Case 666-AT-10 because there are no petitioners  
39 waiting on Case 666-AT-10 to be completed although there is one petitioner awaiting the  
40 recommendation for Case 668-AT-10. He said that it is his hope that the Board can take  
41 final action in July so that Case 668-AT-10 could move forward to the County Board in  
42 August.

1  
2 **Ms. Capel moved, seconded by Mr. Thorsland to continue Case 668-AT-10 to July 15,**  
3 **2010. The motion carried by voice vote.**  
4

5 **6. New Public Hearings**

6  
7 None

8  
9 **7. Staff Report**

10  
11 None

12  
13 **8. Other Business**

14 **A. May, 2010 Monthly Report**

15  
16 Mr. Hall distributed the May, 2010 Monthly Report to the Board for review.

17  
18 The Board indicated that there were no anticipated absences for the July 15<sup>th</sup> meeting.

19  
20 **9. Audience Participation with respect to matters other than cases pending**  
21 **before the Board**

22  
23 None

24  
25 **10. Adjournment**

26  
27 The meeting adjourned at 9:48 p.m.

28  
29  
30 Respectfully submitted

31  
32  
33  
34  
35 Secretary of Zoning Board of Appeals  
36  
37  
38  
39  
40  
41  
42  
43

1 Mr. Thorsland moved, seconded by Ms, Capel to rearrange the agenda and hear Cases 665-AT-10 and  
2 666-AT-10 prior to Case 668-AT-10. The motion carried by voice vote.

3  
4 Mr. Bluhm called Case 665-AT-10 and Case 666-AT-10 concurrently.

5  
6 **Case 665-AT-10 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning  
7 Ordinance by revising paragraph 4.3.3G. as follows: A. increase the maximum fence height allowed  
8 in side and rear yards from six feet to eight feet for fences in Residential Zoning Districts and on  
9 residential lots in the AG-2 and AG-2 Zoning District; and B. Require all fencing that is in the front  
10 yard and that is higher than four feet tall to be at least 50% transparent in Residential Zoning  
11 Districts and on residential lots in the AG-1, AG-2, and CR Zoning Districts; and C. increase the  
12 maximum allowed height of all fencing to allow up to three inches of ground clearance.**

13  
14 **Case 666-AT-10 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning  
15 Ordinance by revising Subsection 6.1 and paragraph 9.1.11D.1 to clarify that the standard conditions  
16 in Subsection 6.1 which exceed the requirements of Subsection 5.3 in either amount or kind are  
17 subject to waiver by the Zoning Board of Appeals or county Board.**

18  
19 Mr. Hall stated that staff has no new information on Case 665-AT-10 or Case 666-AT-10 therefore he  
20 requested that both cases be continued to the September 16, 2010, meeting.

21  
22 **Mr. Thorsland moved, seconded by Mr. Courson to continue Case 665-AT-10 and Case 666-AT-10 to  
23 the September 16, 2010, meeting. The motion carried by voice vote.**

24  
25 **Case 668-AT-10 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning  
26 Ordinance as follows: 1. in section 3, add RESIDENTIAL RECOVERY CENTER as a defined term;  
27 and 2. In Section 4.2.1C. authorize RESIDENTIAL RECOVERY CENTER as a second principal use  
28 on a lot with a church or temple in the AG-2 District; and 3. In Section 5.2, add RESIDENTIAL  
29 RECOVERY CENTER to the Table of Authorized Principal Uses as a use allowed by Special Use  
30 Permit only, subject to standard conditions, in the AG-2 Agriculture Zoning District and indicate a  
31 new footnote; and 4. Add RESIDENTIAL RECOVER CENTER to Section 6.1.3 with standard  
32 conditions of approval, including but not limited to: (1) the property must be served by public  
33 transportation; and (2) a limit on the number of residents equal to 10% of the occupancy of the  
34 worship area of the associated church, but no more than 25; and (3) supervision by a responsible and  
35 qualified staff person, 24 hours per day, seven days per week; and (4) the use must be operated in  
36 accordance with the Alcoholism and Other Drug Abuse and Dependency Act; and 5. In Section 7.4.1,  
37 add new paragraph C.3.i indicating parking for a RESIDENTIAL RECOVERY CENTER is only  
38 required for vehicles proposed as part of the Special Use Permit application.**

39  
40 Mr. Hall distributed a Supplemental Memorandum dated July 15, 2010, to the Board for review. He said  
41 that attached to the new memorandum is a letter received from Randall Brown on July 13, 2010. Mr. Hall  
42 said that the new memorandum also recommends new evidence which should be added to the Finding of  
43 Fact although he does recommend some changes to that evidence including a reference to the testimony of



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1 Mr. Joseph Coble and a summary of Mr. Brown's submitted letter. Mr. Hall stated that Mr. Brown has  
2 submitted a well written five page letter and he recommends that the Board review the letter.

3  
4 Mr. Hall gave a brief summary. He said that he found three things from Mr. Brown's letter which should be  
5 added to the Finding of Fact under Item #15 after Mr. Coble's testimony. He said that Item #9 on Page 4 of  
6 Mr. Brown's letter, the standard condition that he refers to does not specify anything other than "...served by  
7 public transportation." Mr. Hall stated that Mr. Brown's letter points out that there is no public  
8 transportation at the site that he is discussing in the evening. Mr. Hall stated that there are many areas that  
9 the Mass Transit District serves which does not have night service and the intention of the standard condition  
10 regarding public transportation is that the use be on a public transportation route. He said that Mr. Brown  
11 raised the idea that someone could challenge a use in the future when it does not have public transportation  
12 24 hours per day. Mr. Hall stated that the question for the Board is, does the use require 24/7 public  
13 transportation service or is it adequate to simply be on a transportation route during some time of the day.  
14 He said that if the Board believes that the use needs more access to public transportation then the Board will  
15 need to amend what is before them otherwise the finding is okay the way it is.

16  
17 Mr. Hall stated that regarding Item #12 from Mr. Brown's letter, the Board could add a requirement  
18 regarding the date of establishment of the local church but that date does not seem to be so directly related to  
19 land use in the same way that requiring the building to have existed when the Zoning Ordinance was  
20 adopted. He said that current conditions have been reviewed by the State's Attorney and are reasonable. Mr.  
21 Hall stated that Mr. Brown's concern about a third principal use has been mentioned in several places in his  
22 letter. Mr. Hall stated that Mr. Brown has attached to his letter a few pages from [www.lifelineconnect.org](http://www.lifelineconnect.org)  
23 which describes some of the services and fund raising activities offered. Mr. Hall said that Mr. Brown has  
24 indicated concern that the fund raising activities, performed by the residents of Lifeline Connect, are actually  
25 a third principal use on the property. Mr. Hall stated that staff is in the opinion that the activities the  
26 members of a Residential Recovery Center perform in order to support the center should be reviewed under  
27 the Special Use Permit for a Residential Recovery Center. He said that if the Board is comfortable with the  
28 fund raising activities and determines that they are consistent with the zoning district in which they are  
29 located it doesn't rise to the level of a third principal use. He said that this is an issue that the Board must be  
30 careful about in any special use permit like what has been proposed and to make sure that these activities are  
31 reasonable. He said that he will be obtaining additional information regarding the fund raising activities but  
32 based on what he knows right now the activities seem reasonable.

33  
34 Mr. Hall stated that as the Board further reviews Mr. Brown's letter they may find other things that are worth  
35 mentioning in the Finding of Fact. He explained to the audience that typically the information that go into  
36 the Finding of Fact is information that is material to the decision that the Board is making. He said that  
37 given a case where there are several multi-page letters those things have to be summarized therefore it is up  
38 to the Board to decide what needs to be included in the Finding of Fact.

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

41  
42 Mr. Bluhm informed the audience that the witness register is very full and requested that any comments be  
43 directed to the actual text amendment and not to a particular site or use that is already in progress. He said

1 that if someone has already voiced comments that you are in agreement with then please indicate such and  
2 do not repeat those comments to the Board.

3  
4 Mr. Bluhm called Mr. Randall Brown to testify.

5  
6 Mr. Randall Brown, who resides at 2408 N. High Cross Road, Urbana, stated that again he is present tonight  
7 in opposition to the proposed amendments as described in Case 668-AT-10. He said that he is going to cut  
8 to the chase and does not want to waste too much valuable time. He said that first and very importantly, this  
9 amendment is in direct conflict with the Urbana Zoning Ordinance relative to Class II and Class III living  
10 facilities. He said that Class I applies to only 1 through 4 residents with 2 live-in attendants, Class II applies  
11 to 5 through 8 residents with 2 live-in attendants, while Class III applies to 9 through 15 residents with an  
12 undefined number of staff. He said that “Homes of Adjustment dwelling” is the closest defined use as stated  
13 by Robert Myers, City of Urbana Planning Manager, in his letter dated May 27, 2010, to Mr. J.R. Knight.  
14 He said that in Mr. Myers’ letter, he states that Classes II and III are not permitted in the AG zone and with  
15 that in mind it has also been disclosed by the proponent that the Program Director and his wife already reside  
16 at the site which unto itself could be considered yet another non-compliant use thus limiting Class I  
17 occupancy to no more than 4 more individuals. He said that given that finding this amendment should be  
18 forwarded with a cap of 4 additional people.

19  
20 Mr. Brown stated that secondly and importantly, the logic of the text amendment stated in Attachment A  
21 dated April 26, 2010, is correct in that the Board is not obligated to consider the proposal further because  
22 neither the zoning Administrator or State’s Attorney are convinced that the proposed singular use by the  
23 proponent is an essential part of their religious practice or service.

24  
25 Mr. Brown stated that thirdly and very importantly he would like to raise the issue of uses. He said that the  
26 proponent has disclosed the non-compliant Residential Recovery Center and that the Program Director and  
27 his wife live at the site which could also be construed as yet another non-compliant use and complaints may  
28 be forthcoming. He said that 4 complaints of non-compliant use have been filed this week with the Zoning  
29 Administrator for which the existing non-compliant Residential Recovery Center operates as an “estimated  
30 donation” business consisting of yard work, auto detailing, construction, and clean up and moving services.  
31 He said that these complaints should be considered separate from the proposed singular use of a Residential  
32 Recovery Center thus making a separate action on behalf of the residents of Champaign County for remedy.  
33 For example, there is no allowance of auto services of any kind in AG-2 and each advertised use should be  
34 examined thoroughly relative to compliance or non-compliance and appropriate action taken on behalf of  
35 each service, if necessary.

36  
37 Mr. Brown stated that he would also hope that the ZBA would take into careful consideration whether these  
38 uses are considered primary or secondary. He said that the public deserves a complete analysis on behalf of  
39 the Zoning Administrator and the ZBA relative to scale and direct mission of each use. He said that he  
40 would speculate that had the proponent truthfully disclosed all the uses on the site that it would have become  
41 clearer from the beginning that the intended uses are private and exclusionary. He said that the proponent’s  
42 public webpage discloses gender exclusion in its purpose statement and copies of that public webpage were  
43 attached to the letter dated July 12, 2010, and can be found at their website: [www.lifelineconnect.org](http://www.lifelineconnect.org).

1

2 Mr. Brown stated that he would like a clarification from the Zoning Administrator relative to truckload sales  
3 that are sponsored and held periodically at the proponent's site. He said that the duration of time comes into  
4 question based on the proponent's signage that plagues the area's intersections for two weeks at a time that  
5 reads in paraphrase, "Truckload Sale this week at 2107 N. High Cross Road." He said that the sales have  
6 been sponsored for at least the five years that he has resided in his High Cross home. He asked if these sales  
7 should be considered special uses or temporary uses.

8

9 Mr. Brown stated that fourth and finally the proponent has solicited on its website a donations program  
10 called "200 bricks for \$200,000" in order to build a new housing facility on the site. He said that there is no  
11 better assumption than placing a cart before the horse and he wants to make it clear to the proponents that he  
12 and others will resist the overall passage of this amendment at the full Board level and any further zoning  
13 matters relative to use of the site. He said that the Zoning Administrator has proposed a possible subdivision  
14 of the land because Urbana does not allow more than one principal use in AG yet the *Champaign County*  
15 *Zoning Ordinance* does not allow subdivision on properties of less than five acres therefore the proponent's  
16 current property does not comply as it is approximately 4.62 acres. He said that in general, this amendment  
17 appears to be a legal justice for a few select individuals yet a legal injustice to all of the people and churches  
18 of Champaign County.

19

20 Mr. Brown stated in closing that he would like to remind the Board that the entire community does not aspire  
21 to the passage of this amendment and that any testimony heard here tonight on behalf of the proponent  
22 should be considered as mere support of the vested interest of a few people vs. the entire community. He  
23 said that as he stated in his letter of July 12<sup>th</sup> if the community as a whole were presented with all the facts in  
24 this case and allowed to decide they would most likely reject it overwhelmingly. He prays that the Board  
25 will make the right decision for all of the people of Champaign County and not for a select few. He said that  
26 he would also ask any person who has the right to vote on this amendment and who has any affiliation with  
27 the proponent to abstain from voting on the forwarding of the amendment. He thanked the Board for its  
28 time.

29

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

31

32 Mr. Bluhm asked if staff had any questions for Mr. Brown and there were none.

33

34 Mr. Bluhm noted that it is hard to distinguish between the text amendment being a general amendment and  
35 not site specific. He said that many of the comments included in Mr. Brown's testimony would be in a very  
36 specific special use case for one use. He asked the audience to keep their comments to the text amendment  
37 and not to one specific site or existing use.

38

39 Mr. Bluhm called Ms. Germaine Light to testify.

40

41 Ms. Germaine Light, who resides 2402 N. High Cross Road, Urbana, stated that it is hard to present her  
42 comments under the parameters that have been given. She said that at the last hearing many people testified  
43 about a specific site and how their church or program helped so many people therefore it is really hard to

1 divorce a specific site from the situation. She said that she has not seen much in the way of minorities or  
2 people of color involved in the program and she would think that such a program, regardless of the location,  
3 would have to follow existing anti-discrimination laws. She said that any place that would fall under the  
4 proposed text amendment would not be able to discriminate against women, minorities or religion. She said  
5 that the website indicates that a person must join the congregation in order to be involved in the program.  
6 She said that she does believe that it is not right for any place to illegally operate for three years against the  
7 existing zoning laws and then request that a public body, elected by the taxpayers of the County, approve a  
8 text amendment to justify their operation so that their use is not illegal any more. She thanked the Board for  
9 their time.

10  
11 Mr. Bluhm asked the Board if there were any questions for Ms. Light.

12  
13 Mr. Courson stated that he did not have a question but wished to clarify that the Zoning Board of Appeals  
14 members are not elected but are appointed.

15  
16 Ms. Light apologized for her error in assuming that the ZBA is an elected public body.

17  
18 Ms. Capel stated that in addressing the difference in the text amendment and the special use permit most of  
19 the testimony that has been received is the testimony that would be given at a special use hearing. She said  
20 that the question within the text amendment is whether or not the use should be allowed at all in the AG-2  
21 district and the conditions under which a Recovery Center would offer it and not the specific conditions that  
22 are occurring on High Cross Road. She said that tonight the ZBA is only trying to determine if the use  
23 should be allowed at all in the AG-2 district and not whether or not a specific, existing Recovery Center  
24 should be allowed. She said that hopefully her explanation will provide some clarity to the audience.

25  
26 Mr. Bluhm called Mr. Chris Doxtator to testify.

27  
28 Mr. Chris Doxtator, who resides at 2107 N. High Cross Road, thanked the Board for their time and requested  
29 that the Board approve the proposed text amendment. He said that he is involved in residential recovery and  
30 in about two weeks he will be clean from alcohol for one year. He said that he is an American Indian and the  
31 last time he checked he believes that he falls under the minority category. He said that the program that he is  
32 involved in is a good program and they are drug tested on a regular weekly basis and supervised constantly.  
33 He said that for the one year that he has been in the program he has not had the desire to drink. He said that  
34 the thought has crossed his mind but he has made a conscious decision to choose not to take that drink for  
35 the sake of his family and himself. He said that the issue has been raised that the program only benefits  
36 certain individuals but in reality it not only benefits folks like himself, their families, friends and the  
37 community. He said that there have been others who have heard the resident's stories and they are brought  
38 to tears because their story brings a sense of hope to those who also have issues. He requested that the Board  
39 approve the amendment to allow these facilities in the community because they are a huge benefit to not only  
40 the residents in recovery but to the community as well.

41  
42 Mr. Bluhm asked the Board if there were any questions for Mr. Doxtator and there were none.

7/15/10

*AS APPROVED JULY 29, 2010*

ZBA

1 Mr. Bluhm asked if staff had any questions for Mr. Doxtator and there were none.

2

3 Mr. Bluhm called Ms. Brenda Kimball to testify.

4

5 Ms. Brenda Kimball, who resides at 1405 Youman, Rantoul, stated that she would like to see the amendment  
6 passed.

7

8 Mr. Bluhm called Mr. Scott Olthoff to testify.

9

10 Mr. Scott Olthoff, who resides at 1506 S. Smith Road, Urbana, stated that he works at Salt and Light and  
11 provides counseling and financial literacy training at places such as Restoration Ministries and the Salvation  
12 Army. He said that he welcomes programs that help men and women recover from drug and alcohol abuse.

13

14 Mr. Bluhm asked the Board if there were any questions for Mr. Olthoff and there were none.

15

16 Mr. Bluhm asked if staff had any questions for Mr. Olthoff and there were none.

17

18 Mr. Bluhm called Mr. David Rogers to testify.

19

20 Mr. David Rogers, Pastor for Apostolic Life and Executive Director for Lifeline-connect, Inc., stated that in  
21 regards to the amendment to the Zoning Ordinance concerning Residential Recovery Centers he urges the  
22 Board to pass the amendment for the following reasons: 1. as he and others have expressed in previous  
23 public hearings concerning this case they have a great need in their community for this type of social service  
24 because so many individuals and families are suffering the devastating effects of life controlling drug and  
25 alcohol problems. More and more people are in need of intensive help for recovery and restoration so they  
26 can become productive members of the community and society; and 2. Federal, state and local governments  
27 throughout the U.S.A. have allowed thousands of similar residential recovery centers in cities both in rural  
28 and metro environments and not only have they allowed them in so many locations such facilities have  
29 earned the applause of judges, mayors, governors and even Presidents of the U.S.A. For example, Teen  
30 Challenge USA has over 250 residential recovery centers in the U.S. and over 1,000 chapters in 82 countries  
31 and there are Teen Challenge residential recovery centers in Peoria, IL, Decatur, IL, and Chicago, IL. Teen  
32 Challenge is a faith based program associated with the Mission Division of the Assemblies of God Church  
33 and Teen Challenge is just one example because so many other faith based organizations have residential  
34 recovery centers throughout our land. He said that he proposes that the reason local governments have made  
35 zoning ordinance provisions for these organizations is that they recognize the positive influence these  
36 programs have in their respective cities and communities and he simply does not believe that the people in  
37 need in our fine community should be denied the services that such residential recovery centers make  
38 available; and 3. He has personally witnessed the positive results and met hundreds of people who are  
39 experiencing recovery from addictions and the majority of them have gained such success due to their  
40 enrollment in a residential recovery training center. In faith based residential recovery centers people receive  
41 the fundamental tools to assist them in changing the addiction concept in their lives. In faith based  
42 residential recovery centers people are involved in spiritual devotions and training, employment training,  
43 work projects which sometimes involve raising funds and donations in a way that is within the context of the

1 law of the IRS concerning 501C3 non-profit organizations, educational classes, recreation and physical  
2 exercise all of this focusing on their development spiritually, emotionally, physically, socially and  
3 educationally. In faith based residential recovery centers people have the opportunity for involvement in  
4 after care processes so they can continue their development and recovery/restoration experience for these  
5 basic reasons. In a faith based residential recovery center and church, such as which he is associated with, it  
6 is clearly one of the most racially diverse ministries that he has ever seen. He said that for these basic  
7 reasons faith based residential recovery centers should be regarded as much needed social service providers  
8 for this community and with that being said he urges the approval of the change in the zoning ordinance to  
9 allow the operation of residential recovery centers. He thanked the Board for their consideration of these  
10 thoughts.

11  
12 Mr. Bluhm asked the Board if there were any questions for Mr. Rogers and there were none

13  
14 Mr. Bluhm asked if staff had any questions for Mr. Rogers and there were none.

15  
16 Mr. Bluhm called Mr. Joey Branson to testify.

17  
18 Mr. Joey Branson was absent at the time that Mr. Bluhm called him to testify.

19  
20 Mr. Bluhm called Ms. Emily Oswald to testify.

21  
22 Ms. Oswald was absent at the time that Mr. Bluhm called her to testify.

23  
24 Mr. Bluhm called Ms. Kerri Hurd to testify.

25  
26 Ms. Kerri Hurd, who resides in Mansfield, stated that she is a member of the church and on a personal level  
27 she has a family member who was a former resident of the program. She said that she is in favor of approval  
28 the amendment to allow a residential recovery center in the AG-2 district.

29  
30 Mr. Bluhm asked the Board if there were any questions for Ms. Hurd and there were none.

31  
32 Mr. Bluhm asked if staff had any questions for Ms. Hurd and there were none.

33  
34 Mr. Bluhm called Ms. Jen Dillingham to testify.

35  
36 Ms. Jen Dillingham, who resides at 1602 Magnolia Drive, St. Joseph, stated that she is in favor of the  
37 amendment.

38  
39 Mr. Bluhm called Ms. Dora Grubb to testify.

40  
41 Ms. Dora Grubb, who resides at 1902 Shelly Court, Urbana, stated that her residence is located within one  
42 block from the church and she is in favor of the amendment. She said that the young men have chosen to  
43 make a choice to be in the program although she has a 39 year old son that is an alcoholic who has not made

1 that choice yet.

2  
3 Mr. Bluhm called Mr. John Grubb to testify.

4 Mr. John Grubb, who resides at 1902 Shelly Court, Urbana, stated that he is in favor of the amendment. He  
5 said that he has a concern about the debate of “them vs. us” mentality. He said that we have heard from Mr.  
6 Brown and Ms. Light and perhaps from others who are opposed and they are of course entitled to their  
7 opinion but he is concerned about the thought that we don’t want “them” or “those types of people” in our  
8 neighborhood. He said that it concerned him greatly when he heard Mr. Brown’s testimony at the previous  
9 meeting and heard many others refer to the residents as “they” or “them.” He said that these facilities are  
10 needed and as his wife already indicated his son needs a place like this to seek recovery and obtain support.  
11 He read the following statement from the 1940’s by Pastor Neimuller, “In Germany, they first came for the  
12 communists and I didn’t speak up because I wasn’t a communist and then they came for the Jew’s and I  
13 didn’t speak up because I wasn’t a Jew and then they came for the trade unionists and I didn’t speak up  
14 because I wasn’t a trade unionist and then they came for catholic’s and I didn’t speak up because I was a  
15 protestant and then they came for me but by that time no one was left to speak up.” Mr. Grubb stated that he  
16 is in attendance tonight to speak up for these men and men like these because they are not “them” or “its” but  
17 just men. He said that anyone in the room who has never made a mistake, never had a problem in their  
18 family, or never had an issue he would like to speak to after the meeting. He said that we should help each  
19 other.

20  
21 Mr. Bluhm called Mr. Jeffrey Branson to testify.

22  
23 Mr. Jeffrey Branson, who resides at 1721 Cindy Lynn, Urbana, stated that he is a successful graduate from a  
24 program like this and he has been off drugs and clean for three years. He said that he and men like him  
25 could not have made it one day on their own and it is because of facilities like this as to why he has been  
26 clean for three years and many more to come. He requested that the Board approve the amendment.

27  
28 Mr. Bluhm called Ms. Brenda Rogers to testify.

29  
30 Ms. Brenda Rogers, Administrative Director of Lifeline Connect, Inc., stated that she has visited five  
31 different facilities throughout the United States and all of them were faith based. She said that 3 of the 5  
32 were located in AG areas which were residential but more in an agricultural environment and all were  
33 approved in their communities. She said that two of the Teen Challenges had approximately 20 to 40  
34 residents and the one in California has approximately 40 residents. She said that one of the other two  
35 facilities housed 6 to 8 residents while the other housed 20 to 40. She said that this type of facility is needed  
36 and encouraged the Board to look at the need in our community to help with drug and alcohol abuse.

37  
38 Mr. Bluhm asked the Board if there were any questions for Ms. Rogers and there were none.

39  
40 Mr. Bluhm asked if staff had any questions for Ms. Rogers and there were none.

41  
42 Mr. Bluhm called Mr. Thomas Martin to testify.

1 Mr. Thomas Martin, who resides at 1721 Cindy Lynn Street, Urbana, stated that he is in favor of the  
2 amendment. He said that it is his belief that not just this community but society in general will benefit from  
3 residential recovery centers and he believes such because he was a resident of a residential recovery center  
4 and it changed his life drastically. He said that he has been clean for over 2-1/2 years and urged the Board to  
5 approve the amendment so that others can be helped.

6  
7 Mr. Bluhm called Mr. Randy Brown to testify.

8  
9 Mr. Randy Brown, who resides at 1183 CR 2300E, Sidney, thanked the Board for their patience with the  
10 audience. He said that residential programs like this make such a huge difference and urged the Board to  
11 approve the amendment so that churches have the opportunity to provide this kind of ministry to the people  
12 who need it. He said that the amendment places a maximum cap of 25 residents on the facility and he  
13 believes that it is very important that the cap stays close to that number. He said that when there is a higher  
14 cap there is a bigger spectrum of community diversity and diversity of other cultures throughout the United  
15 States. He said that such diversity creates a better recovery environment for the residents. He said that it is  
16 important that the amendment not be gender specific and he applauds the Board for not making it such  
17 because such a facility will receive calls from women who are also in need of recovery. He said that there  
18 were comments made earlier that requested assurance that recovery programs are not a business and he  
19 agrees with those comments 100%. He said that the services that are offered by the recovery center are for  
20 fund raising and if the Board is not going to allow such a service then it will have to go against every youth  
21 group in the County that has a car wash because it is the same principal. He said that one of the smallest  
22 services provided by a house for recovery is the monetary benefit because a lot of the benefit goes to the  
23 person in recovery. He said that when services are provided for a community it is by donation only and he  
24 can testify that many times the donations are very small but many times the donations are very generous. He  
25 said that what comes away from the services is that the residents that are in recovery have the essence and  
26 the feeling that they are providing a service and giving back to the community and that it is not about the  
27 money. He said that recovery programs that are utilizing their services properly are not placing a monetary  
28 amount on it and the residents in the program are providing services to the community and are able to feel  
29 that they are giving back to the community which is a big part of their recovery. He said that if the Board  
30 would study any 12 step recovery plan whether they are secular or faith based the final step is service to the  
31 community and to others therefore that is why it is important that it be allowed to remain a part of the  
32 recovery center. He encouraged the Board to approve the amendment.

33  
34 Mr. Bluhm asked the Board if there were any question for Mr. Brown and there were none.

35  
36 Mr. Bluhm asked if staff had any questions for Mr. Brown and there were none.

37  
38 **Ms. Capel moved, seconded by Mr. Thorsland to recess the meeting for a five minute break. The**  
39 **motion carried by voice vote.**

40  
41 **The meeting recessed at 7:58 p.m.**

42 **The meeting resumed at 8:07 p.m.**

43



1 Mr. Bluhm called Mr. Carl Webber to testify.

2  
3 Mr. Carl Webber, attorney representing the Apostolic Life UPC Church and Lifeline Connect Ministry,  
4 stated that the gentlemen that are enrolled in the program are considered to be disabled. He said that his  
5 disabled daughter had trouble finding a friend in her freshman class at Centennial High School and one of  
6 the reasons why we need to have a larger number allowed for the recovery center is so that someone who is  
7 coming into the program has a greater chance of finding a connected friend. He said that approximately one-  
8 half of the residents have been there for a while and they are out and working and the other one-half are still  
9 home based. He asked the Board to imagine being disabled and walking into a freshman class, at a school  
10 where you are not familiar, and there are seven people in the room. He said that this is a scary scenario and  
11 that is one of the main reasons why they desire to increase the numbers. He said that they had originally  
12 determined that 30 residents would be an adequate number because in the AG-2 district a 15 room hotel was  
13 allowed which would house 30 people. He said that in talking with some of the local communities it  
14 appeared that they would be more satisfied with reducing the number to 25, which was the suggestion of  
15 staff. He said that allowing 25 residents would mean that probably only 20 residents will be at the facility at  
16 any given time because people come in at different times and leave at different times. He said that it is  
17 obvious that they are not going to change Mr. Randall Brown's mind and he is very accustomed to attending  
18 the ZBA hearings and hearing someone complain because the proposed use will be in their backyard but that  
19 is not the case with Mr. Brown because he lives one-quarter mile away from the facility. He said that this  
20 type of facility would be allowed in a church which is just a little further from his residence and he was in  
21 favor of such a facility therefore he was glad to take on this case. He said that it seems that Mr. Brown's  
22 letter insists that this type of facility should be located within the city limits but it has been found that these  
23 types of communities do better if they have a connection to the outdoors.

24  
25 Mr. Webber stated that the MTD buses do go out into some areas through 7:00 p.m. He said that there has  
26 been some suggestion that the amendment should require that the owner be there since 1973 which appears  
27 to be placing an age limitation on the owner and not the property. He said that zoning speaks about land and  
28 land use and not the owner. He said that as he reads the Urbana Zoning Ordinance he believes that their  
29 ordinance is much broader than the amendment will be because they are completely different in approaching  
30 the same problem. He said that the churches and charitable organizations throughout the community have  
31 different fund raising activities and in their facility they don't need to raise the funds to support many of the  
32 people are out in the second half of their residency and are raising their own money but the residents who are  
33 not do have to be in a supervised system to earn some money.

34  
35 Mr. Webber stated that the issue of discrimination against women is null because there are a number of  
36 programs at these types of facilities which allow both sexes. He said that the many campuses have dorms for  
37 both men and women and some have separate dorms for men and women and clearly the application would  
38 indicate if it is dorm related it would have a specific building focused for a specific gender. He said that he  
39 does not believe that such a practice would be considered discriminatory and would not be a problem in  
40 making it work right. He said that within the concept of discrimination and the Fair Housing Act an  
41 organization has to make a sufficient effort to address the discrimination and if there is sufficient reason such  
42 as all men in a dorm system. He said that if someone wants to rent an apartment and they are quadriplegic  
43 and have no one to help them in case of a fire it would not be discriminatory to not rent them the apartment.

1 He said that there was a suggestion about the fact that this is a private facility and not a public facility and  
2 that it should be addressed as such. He said that he provided the Board with a lengthy quote from an Ohio  
3 case that is very interesting which indicates that when that kind of suggestion was made the quote was  
4 convinced that such purposes and methods serve to confer a public benefit, utility or advantage and  
5 accordingly qualifies it as a public use... He said that since the folks who testified first in opposition have  
6 left it is obvious that everyone else is in favor of the amendment.  
7

8 Ms. Capel stated that Supplemental Memorandum dated July 9, 2010, indicates that the City of Champaign  
9 will possibly protest the text amendment.  
10

11 Mr. Webber stated that the letter from the City of Champaign was written before he wrote them a letter and  
12 he believes that they may reconsider. He said that the McKinley Foundation on the University of Illinois  
13 campus that is a Presbyterian facility is one lot which has not been divided. He said that on that lot the  
14 Foundation built an 8-story dormitory and one might suggest that an 8-story dormitory is bit big to be an  
15 accessory use to a church of a modest size but not so in Champaign. He said that the City of Champaign  
16 indicated that the 8-story building, because it encouraged people of the Presbyterian faith to have counseling  
17 within the Presbyterian organization, was an accessory use to the McKinley Foundation. He said that he was  
18 told that under the Illinois law as a zoning interpretation relating to a religious entity it must be interpreted  
19 very broadly. He said that interpreting as an accessory use it would prove difficult for the City of  
20 Champaign to have the McKinley Foundation next to an 8-story building on the same platted site and  
21 suggest that the recovery center can only have 16 residents and the only difference is that the recovery center  
22 has disabled people and that is discrimination.  
23

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

26 Mr. Bluhm asked if staff had any questions for Mr. Webber.  
27

28 Mr. Hall asked Mr. Webber to indicate his thoughts regarding new paragraph 7.4.1 C.3.i..  
29

30 Mr. Webber asked Mr. Hall to clarify.  
31

32 Mr. Hall stated that 7.4.1.C.3.i., indicates that parking spaces for a residential recovery center shall only be  
33 required for the number of vehicles proposed to be authorized in the Special Use Permit application. He  
34 said that it makes it clear that the petitioner has to propose that as part of their application and the Board  
35 would consider whether it is acceptable or not.  
36

37 Mr. Webber stated that by suggesting parking spaces they would be implying the availability of vehicles. He  
38 said that the Board is either going to accept the package or not therefore if it is left open and it causes some  
39 people to be more in favor of the change then his clients would find it more acceptable but in one particular  
40 case that he can think of he believes that there would be a request for at least some automobiles. He said that  
41 as people move into the second phase of the program they may be working at Wal-Mart and need  
42 transportation to get there. He said that he does not mind having to show the Board that this request needs to  
43 be made but he should discuss this with his client.

1  
2 Mr. Webber stated that after checking with his client they are willing to accept the responsibility.

3  
4 Mr. Bluhm called Tammy Roberts to testify.

5  
6 Ms. Tammy Roberts, who resides at 4210 E. Airport Road, Urbana, stated that she has lived in an  
7 agricultural area for 16 years and with respect to criminal risk she does not see a problem. She said that  
8 within a two mile radius of the vicinity there are 8 names on the sex offender registry. She said that if  
9 someone lived around the corner on Clifton Drive and reviewed the number of police calls and the amount of  
10 crime it would be obvious that the agricultural area is not exempt from criminal risk. She said that the  
11 facility has been a model program and she drives past it 15 times per day and she has never seen a policeman  
12 on the site except for the time when they set a speed trap. She said that she is in favor of the amendment.

13  
14 Mr. Webber stated that there was a suggestion that the current recovery center was operating illegally and  
15 quietly and now they are trying to make it legal. He said that there has been communication with the  
16 Planning and Zoning office for years about the facility in trying to address the question and there has been a  
17 very strong opinion that the recovery center is an accessory use and that it does not need anything. He said  
18 that there has been a suggestion that the facility has to be required under various federal acts and rather than  
19 bring an issue up where there were no complaints or problems and there was a complete argument that the  
20 facility was completely legal. He said that it was only when the facility intended to expand did it need to be  
21 addressed.

22  
23 Mr. Bluhm asked the audience if anyone desired to sign the witness register to present testimony regarding  
24 this case and there was no one.

25  
26 Mr. Bluhm closed the witness register.

27  
28 Mr. Hall stated that he wanted to make sure that the Board has reviewed the new parking requirement and  
29 that the Board is comfortable with it. He said that it really isn't a requirement per say in the way it  
30 establishes a sub-requirement and only makes it clear that it is up to whatever the Board approves as part of  
31 any Special Use Permit.

32  
33 Mr. Bluhm asked Mr. Hall if there could be a variance for the church building which did not exist prior to  
34 1973.

35  
36 Mr. Hall stated that staff followed the Board's direction which was to make it a standard condition which  
37 allows a waiver and the Board can see what that direction generated from the City of Champaign's letter. He  
38 said that currently he believes that the Board's direction will generate a municipal protest but if it does it will  
39 be very clear why the municipality is protesting and if the County Board cannot over-ride the protest they  
40 can easily decide to make it a requirement rather than a standard condition. He said that if the Board is still  
41 comfortable with it as a standard condition then that is how it should be kept.

42  
43 **Finding of Fact for Case 668-AT-10:**

1

2 Mr. Hall recommended that a new Item #15.E be added to indicate the following: Mr. Randall Brown  
3 submitted a letter dated July 12, 2010, in which he raised the following concerns; (1) whether public  
4 transportation should be available 24 hours or for only limited hours; and (2) whether the church should have  
5 been organized and in operation in Champaign County on October 10, 1973, in addition to the building  
6 having predominately existed on October 10, 1973; and (3) whether fund raising activities at a residential  
7 recovery center will constitute a third principal use.

8

9 Mr. Hall stated that a new Item #15.F should be added to indicate the following: Mr. Joseph Coble, who  
10 resides at 2412 N. High Cross Road, Urbana, testified at the June 17, 2010, public hearing that he does not  
11 understand why the County would be willing to use its good farmland so that people could rescue themselves  
12 and he is concerned about the affect of such uses on surrounding property values and is opposed to the  
13 amendment.

14

15 Mr. Hall stated that there were some new speakers at tonight's meeting and it is up to the Board whether to  
16 include their testimony in the Finding of Fact.

17

18 Mr. Bluhm asked the Board if there was any new evidence received tonight that should be added to the  
19 Finding of Fact.

20

21 Mr. Bluhm stated that the testimony regarding the more diversity that is had the better chance people have  
22 for recovery. He said that having diversity gives the resident a better opportunity to befriend someone who  
23 has similar issues and to have a better chance for recovery.

24

25 Mr. Thorsland stated that several people mentioned that such facilities appear to do better in a less urban  
26 environment.

27

28 Mr. Hall stated that Mr. Bluhm's recommendation should be added as new Item #14.D.(13) as follows:  
29 Randy Brown testified at the July 15, 2010, public hearing that a larger number of residents in a residential  
30 recovery center provide greater diversity and a better recovery environment.

31

32 Mr. Thorsland stated that Brenda Rogers and Tammy Roberts mentioned that the less urban more  
33 agricultural environment appears to be more successful.

34

35 Mr. Hall stated that a new Item #14.D(14) should read as follows: Brenda Rogers and Tammy Roberts  
36 testified at the July 15, 2010, public hearing that an AG location seems to lead to a better result with the  
37 recovery programs. Brenda Rogers further testified that she had observed this while visiting 3 of 5 recovery  
38 centers across the country.

39

40 Mr. Hall stated that the following should be added to the Documents of Record: #8: written comments by  
41 Randall Brown received on July 15, 2010; and #9: letter from Carl Webber submitted on July 15, 2010; and  
42 #10: Supplemental Memorandum dated July 15, 2010 with attachments; and #11: written comments by  
43 David Rogers submitted on July 15, 2010.

1  
2 Mr. Hall stated that staff talked to the City of Urbana staff a lot and they wouldn't indicate whether they  
3 would recommend protest or not but County staff had answered all of their questions. He said that he can  
4 not tell the Board how likely a protest is from the City of Urbana but regarding the City of Champaign the  
5 letter that went to their Plan Commission was not discussed at all and was pulled from the agenda. He said  
6 that Rob Kowalski, Assistant Planning Director was out this week and he was not able to obtain any further  
7 information from Mr. Kowalski therefore at this time he has no idea what the municipal staffs are thinking.  
8 He said that County staff has detailed the staff's and the Board's thinking as much as possible and forwarded  
9 it to the municipal staffs and we will just wait to see what they think. He said that he cannot think of a  
10 previous text amendment that has had this much coordination.

11  
12 Mr. Bluhm informed the Board that as they review the Finding of Fact they will see that staff has  
13 recommended ACHIEVES, GENERALLY ACHIEVES, and CONFORMS to all of the LRMP goals. He  
14 said that he did not find one goal that required the Board's clarification.

15  
16 Mr. Hall stated that staff recommended that all of the goals either ACHIEVES or CONFORMS although one  
17 was indicated as GENERALLY ACHIEVES. He said that he believes that staff did achieve coordination but  
18 it can be proven that this is not the same as the municipal ordinances.

19  
20 Mr. Bluhm asked the Board if there were changes that the Board would like to make to the recommendations  
21 made by staff and there were none.

22  
23 **Mr. Thorsland moved, seconded by Ms. Capel to approve staff's recommendations on all items**  
24 **included in the Finding of Fact for Case 668-AT-10. The motion carried by voice vote.**

25  
26 Mr. Bluhm asked the Board to indicate their preference for the parking requirement.

27  
28 Mr. Thorsland stated that it is best to address the parking on a case by case basis. He said that with all of the  
29 discussions with the City of Urbana and the City of Champaign it would have been thought that we would  
30 have had better luck in avoiding a municipal protest if the number of residents was averaged at 16 with a  
31 maximum of 25 with the average being determined by those who stay more than one year.

32  
33 Mr. Bluhm stated that this would make it way too complicated. He asked Mr. Thorsland how staff would be  
34 able to track numbers.

35  
36 Mr. Thorsland stated that he is more comfortable with a maximum of 25 residents. He said that Mr. Hall has  
37 had many more discussions with the municipalities and it appears that they would like to see the number of  
38 16 to be in the amendment somewhere.

39  
40 Mr. Hall stated that he understands the municipality's position but the basis for that number is not related to  
41 the issues that they are rising in a residential recovery center.

42  
43 Mr. Thorsland stated that he is willing to go with a straight 25 as the maximum.

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Mr. Bluhm noted that the County Board can change the number if they so desire.

Mr. Hall stated that the maximum may be 16 before all is said and done.

Mr. Bluhm stated that Item #13.B(3) indicates that more information regarding the Administrative Code requirements will be available at the meeting and #13.C also indicates that further information will be available at the meeting.

Mr. Hall stated that the information for Item #13.B(3) is included in Item #1 of Attachment B of the Supplemental Memorandum dated July 15, 2010. He said that the information for #13.C was not received to date.

Mr. Knight stated that the person that he was attempting to contact regarding #13.C did not return his call.

Mr. Bluhm stated that Item #13.C should be stricken.

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

**Mr. Schroeder moved, seconded by Mr. Palmgren to close the public hearing for Case 668-AT-10. The motion carried by voice vote.**

Mr. Bluhm informed Mr. Hall that one Board member is absent from tonight’s meeting therefore it is at his discretion to either continue Case 668-AT-10 until a full Board is present or request that the present Board move forward to the Final Determination. He informed Mr. Hall that four affirmative votes are required for approval.

Mr. Hall requested that the present Board move forward to the Final Determination.

**Final Determination for Case 668-AT-10:**

**Mr. Thorsland moved, seconded by Mr. Palmgren that pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Zoning Ordinance Amendment requested in Case 668-AT-10 should BE ENACTED by the County Board in the form attached hereto.**

The roll was called:

Capel-yes	Courson-yes	Palmgren-yes
Schroeder-yes	Thorsland-yes	Bluhm-yes
Miller-absent		

**WEBBER & THIES, P.C.**

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July 28, 2010

Ms. Elizabeth Tyler  
Community Development Director/City Planner  
City of Urbana  
400 SouthVine  
Urbana, IL 61801

JUL 30 2010

Mr. Bruce Knight  
Planning Director  
City of Champaign  
102 North Neil  
Champaign, IL 61820

Dear Libby and Bruce:

Please find enclosed the following documents:

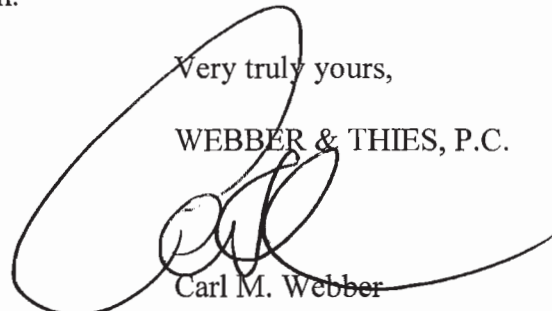
1. A recent Letter to the Editor from Randall Brown.
2. My response addressed to the County Board.
3. For your background, a copy of an early draft letter to John Hall and Jamie Hitt.

I would be glad to meet with you or your staff to review the proposed amendment at your convenience.

Thank you for your consideration.

Very truly yours,

WEBBER & THIES, P.C.



Carl M. Webber

**Treatment facility is a terrible fit**

A public disservice has been approved through amendment by the Champaign County Zoning Board of Appeals that allows a church within a mile and a half of the municipalities to operate as a second principal use a "Residential Recovery Center" in a currently zoned AG-2 district.

Because of the way the zoning amendment reads, it means only one church within a mile and a half of the cities of Urbana or Champaign would qualify to open a facility without further amending the zoning ordinance. Not only does this limit the rights of individuals, it also limits the right of churches to aid in the recovery of individuals who suffer from drug and alcohol uses.

We have a potential zoning law that allows one church to pick and choose who enters its program. It has no sanction by the courts and does not require a state license for operating a live-in facility for up to 25 people on a property less than five acres in size.

The current footprint of buildings at the site causes drainage problems for the neighboring farm, yet the ZBA ignored the neighbor's concern.

Initially, the zoning administrator and state's attorney stated such a center was not an essential part of the church's religious practice. Yet because the proponent was represented by counsel, the amendment has been bulldozed toward final approval.

As a latecomer to this process, I have learned how important it is to read the published legal advertisements in The News-Gazette. There are things going on within our county and communities that have a direct effect on the well-being of our neighborhoods.

We are being dealt a bad hand, and I need the public's help in defeating this amendment at special use permit hearings before a county board committee on Aug. 3 and Sept. 7. The full Champaign County Board will vote on this issue on Sept. 23.

RANDALL BROWN  
Urbana

**Professor's words were not appropriate**

Professor Howell's e-mail to his students regarding homosexuality made claims beyond the scope of the course curriculum. He gave erroneous data about the nature of homosexuality, to wit saying "one of them tends to act as the 'woman' while the other acts as the 'man.'"

He also quotes an unnamed "physician (who) told me that these acts are deleterious to the health of one or possibly both of the men."

Howell's idea of homosexuality focuses entirely on anal sex. He wrote his students, "I don't want to be too graphic so I won't go into details," but clearly everyone understood what he was talking about.

And what he was "teaching" was incorrect. Gayness is not about anal sex any more than heterosexuality is defined by oral sex. Many couples do not and would not engage in it.

Howell later writes that "none of what I have said here or in class depends upon religion, (but) on a thorough understanding of natural reality." He denied students any chance to question his information by sending this test material in an e-mail instead of addressing the issue in class, and he later writes that unless students have done extensive research into homosexuality or studied the subject thoroughly, they "can't really refute" his claims.

The fact that Howell was paid by and hired by the Newman Center — through an arrangement virtually nonexistent in other higher education institutions — is something the religious studies department was uneasy with for a long time and tried unsuccessfully to amend. The UI was apparently glad to get a free professor, even if it was one willing to sprinkle preaching in with his teaching. That was wrong, too.

P. GREGORY SPRINGER  
Urbana

**Troubled by reports on robbery trial**

As someone who witnessed most of the trial of Kevin Hemingway for an armed robbery at a McDonald's

restaurant, I noted a troubling untruth and a glaring omission in Mary Schenk's report.

First, Schenk's assertion that Hemingway "admitted to Champaign police that he robbed (Ms.) Herbst" is not true. This was never revealed during the trial.

Considering that this case carries the possibility of an extended sentence, it would be generous to call Schenk's error irresponsible.

Second, absent in Schenk's reporting is race. The eye-witnesses, whose testimonies were propped up by what is "circumstantial evidence," in Schenk's own words, were all white. They did not give a unanimous description of the man who robbed Herbst.

As Hemingway's attorney Amanda Reiss pointed out — but gets ignored in a spirited rendering of prosecutor Troy Lozar in action — the only thing the witnesses all agreed on was that the robber was a slender black man.

Unfortunately, Hemingway is a slender black man.

Herbst could not say for certain that Hemingway was the robber.

What Herbst did say was that the man who robbed her was her height — 5 feet 6 inches — and they were "eye to eye." Hemingway is 6 feet 2 inches tall. But he is a slender black man.

And for this slender black man, the jury of his peers consisted of nine white women, one black woman, one white man, and one Asian-American man, a fact perhaps worth mentioning, but thoughtfully laid aside by Schenk.

CAROLINE H. YANG  
Champaign

*EDITOR'S NOTE: Police took a taped statement from Hemingway that was played during the trial and, again, during jury deliberations at the request of jurors. In the statement, Hemingway admitted the McDonald's robbery but said he took the money from an unidentified black woman, not the white woman who actually was robbed. Further, the robbery was witnessed by three people, who each identified Hemingway. When authorities arrested Hemingway, they recovered a handgun from his car and nearly \$2,000 from his pockets.*

**GUEST COLUMN  
Legis**

By MARK R.

Having read the column on legislative respect to individual development CEO of a for-profit and co-chair of Human Summit, I would have thought I think you were aware of the situation that was others.

Over the last part of the year for individual mental disability gone a compensation moving from them to Medicaid funds. Prior services are in the common form of grants on the Medicaid means test that means that Illinois gets the money back from the state — money paid in tax budget trouble initially through grants to the state and by this extension. What has not been mentioned, was the responses of the state.

First, the request for the state to be made is





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July 28, 2010

Mr. C. Pius Weibel, Chair  
and Members of the  
Champaign County Board  
1776 E. Washington  
Urbana, IL 61801

**Re: Proposed Amendment to the Zoning Ordinance concerning Residential  
Recovery Centers**

Ladies and Gentlemen:

Mr. Randall Brown's Letter to the Editor which was published on Sunday was ill-informed and misleading. He and only one other opponent spoke at the recent ZBA hearing where the proposed language for an Amendment was passed unanimously, with all members of the ZBA present. Mr. Brown and the other opponent spoke first. Since Mr. Brown and the one other opponent left the meeting right after they spoke, they did not hear the responses to their comments which were presented by the many proponents who were present.

The Apostolic Life UPC Church, which sponsors Lifeline-Connect, is very aware of the fact that the current issue before the County Board is whether or not an Amendment allowing Residential Recovery Centers should be added to the Zoning Ordinance. Mr. Brown's letter focuses not on the Amendment, but on the continuing Lifeline-Connect program. Since the Lifeline-Connect program is an example of a Residential Recovery Center, a number of suggestions and allegations in Mr. Brown's letter require a response.

Limited Sites. The Amendment, which has been proposed by County staff, is carefully drafted. Mr. Brown feigns horror at the limited application of the proposed Amendment. In reality, he really doesn't want the Amendment to apply at all. Or possibly, as he has suggested in a prior letter, he believes that all such facilities should be relegated to the "inner city." There was substantial testimony about the success of such facilities that are located in partially rural settings.

Appropriate Size. He is concerned about the size. Originally a maximum of 30 was suggested by staff, since motels of up to 30 rooms are allowed. Since then it has been reduced to 25. There are a number of reasons for at least a moderate size. Perhaps the most important is the substantial need for the residents to connect with other residents in order to obtain mutual support for their one- to two-year commitment.

Current Site. Lifeline-Connect has been hardly noticeable while operating for several years as an accessory-use of the Apostolic UPC Church. County planning staff indicated that they would be more comfortable if such sites were subject to regulations as a "special-use." The facility has been willing to cooperate with this approach.

Fair Housing Act. The Lifeline-Connect residence, about which Mr. Brown complains, is a church-sponsored residential program to assist persons who are no longer using drugs or alcohol. As such, these residents are properly described in the ADA and the Fair Housing Act as "disabled persons." There should be more such facilities, not fewer.

Accessory-Use. Mr. Brown suggests that a recovery home is not an "accessory-use" to a church. An example of such an accessory use is the eight-story residence hall adjoining McKinley Presbyterian Church and Foundation. The McKinley Foundation residence is a church-sponsored residential program to assist persons who are attending the University of Illinois. The primary difference between the McKinley Foundation residence and the Lifeline-Connect residence (other than size) is that the Lifeline-Connect residence supports those considered under the law to be disabled.

Courts. The Recovery Home currently operated by Lifeline-Connect is specifically not a court-designated facility, and is specifically not a "treatment" facility. Residents are continually tested, and are simply not allowed to use alcohol or drugs.

A Perfect Fit. Mr. Brown claims that Lifeline-Connect is a "terrible fit" and, with tongue-in-cheek, suggests that the Amendment should be broader, not more limited. It has been working well, and a modest expansion provides no additional issues. In addition, Mr. Brown lives a quarter of a mile away from the current Lifeline-Connect facility. The other opponent who spoke at the recent ZBA meeting also lives only one quarter of a mile away. They are certainly expanding the definition of "not in my backyard."

The Need for Such Facilities. Former Champaign County Presiding Judge J. G. Townsend has argued for many years that, "Effective community-based programs reaching more people are necessary if we are to prevail in the battle against drugs." Lifeline-Connect is fighting back by providing some hope for a few. This Amendment would allow them to provide even better support for a few more.

Funding. At a time when public funding is being reduced, especially in services for the disabled, there must be other methods of serving the disabled population. Lifeline-Connect is an example of just such a facility.

Location. The former Pyramid Paper Company buildings were extensively renovated by the Apostolic Life UPC Church. No one complained when the Church spent large sums of money to change the warehouse/retail facility to a local church. Contrary to the allegations, the buildings do not cause drainage issues; in any case, drainage and other site issues will be addressed when a Special Use Permit application is presented.

State License. Mr. Brown complained that licenses are not required. In fact, the Special Use Permit Applications will require representations that the facilities have all required permits. Having been recently advised that a license might be appropriate for the Lifeline-Connect facility, Lifeline-Connect responded immediately. They are in the process of forwarding the appropriate license. This is not a treatment facility. Lifeline-Connect applied as a Recovery Home, which allows only those residents who are recovering, and are no longer using drugs or alcohol.

Representation by Counsel. There was the suggestion in the letter that the ZBA was unduly pressured since Lifeline-Connect is represented by counsel. The ZBA unanimously approved the carefully-written proposed Amendment because it is a necessary and proper addition to the Zoning Ordinance, not because Lifeline-Connect is represented by counsel.

Concerned Public. Mr. Brown, at the recent ZBA meeting, suggested that few citizens are in favor of this Amendment. First, he is completely incorrect. Second, he comes within a hair's breadth of suggesting, "Aren't there any poor houses?"

Thank you for your consideration. Should you have any questions about the Amendment or the Lifeline-Connect facility, please don't hesitate to call at your convenience.

Very truly yours,

WEBBER & THIES, P.C.

BY: 

Carl M. Webber

CMW/meb

cc: John Hall

**WEBBER & THIES, P.C.**

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October 21, 2009

E-mail: [jhitt@co.champaign.il.us](mailto:jhitt@co.champaign.il.us)

Mr. John Hall and Ms. Jamie Hitt  
Champaign County Planning and Zoning  
Department  
1776 E. Washington  
Urbana, IL 61801

Dear John and Jamie:

This letter is forwarded in support of the request of the Apostolic Life UPC Church ("Church") to extend the Lifeline Connect Program ("Program") on its site at 2107 N. High Cross Road, Urbana, IL.

Lifeline-connect is a faith-based rehabilitation program for men suffering from drug, alcohol or prescription abuse. The program has on-site facilities to accommodate eight men and is operated on the site of the Apostolic Life UPC Church.

The men involved in the Program live on site in a dormitory type facility. Their Program includes a number of faith-based educational courses. They include, among others, the alcohol and chemical treatment series, Life Quest of Champaign, Genesis Process Relapse Prevention Program, education management, life in focus education, anger management training, job training and career planning, personal financial management education, and life skills support. The men pay no tuition for this educational program. They do, however, help to maintain and clean the church facility and gain job skills by earning and raising funds to support the Program.

This facility is supported primarily by contributions.

There have been no complaints within the neighborhood about the existence of the Church or the Program. So far, the Program has received only positive feedback from the men, their families, and the community.

## REQUEST

It is the request of Lifeline-connect and the Church that they be able to expand the Program from 8 to 25 participants. Professionals in the field have been pressuring the Church to expand the program, and therefore, allow more men to participate in its success.

## CURRENT STATUS

The property, which was the former Pyramid Paper building, has been beautifully redesigned and renovated as a church facility. Currently, the Church occupies approximately 35,000 square feet, and the facility where the men are housed occupies 1,300 square feet. The participants in the Program do not have cars. Therefore, there are no additional required parking spaces and there is only negligible additional traffic.

## LEGAL STATUS

As we discussed in our meeting last week, the Church would like to request a special use permit under the AG-2 zoning classification. This would allow the current Church use to be adjusted from a legal (but non-conforming) use to an authorized Special Use. In addition, they would request that the Special Use Permit allow the expansion of the Program to what would still be a modest size. In order to do so, they anticipate constructing a 3,000 square foot facility for the somewhat larger number of participants. Attached is a drawing of the intended footprint. As an "accessory use," they would anticipate that it would be in a separate building on the 6.5 acre site.

## SPECIAL USE PERMIT APPLICATION

The details of the request will be provided in the Special Use Permit Application which is currently being completed.

The purpose of this letter is (1) to give you an overview of the current status and the requested status and (2) to provide a review of the law as it would apply to this request. A summary of the applicable law in support of this request is in the following section.

## LEGAL SUMMARY

### I. Definitions.

Applicable definitions from the Champaign County Zoning Ordinance include the following terms:

1. Accessory Building. A building 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, and subordinate to, and used for, purposes customarily incidental to, the main or principal structure, or the main or principal use.

2. Accessory Structure. A structure on the same lot within 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. Accessory Use. A use on the same lot customarily incidental and subordinate to the main or principle use or main or principle structure
4. AG-2 Agriculture. The AG-2 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.

[There are no definitions of “church” or “religious use” in the Zoning Ordinance.]

The Ordinance directs that, in case a proposed principal use is not specifically included in Section 5.2, the Champaign County Zoning Administrator shall interpret the allowable district by comparing the proposed use to the most similar use listed in the ordinance.

The table of authorized principal uses (Section 5.2) suggests that AG-2 uses include the special use of “church, temple or church related temporary uses on church property”. In addition, a review of other uses in AG-2 include a home for the aged, nursing home, hotel with no more than 15 lodging units, a residential planned unit development, an elementary school or high school, a resort or organized camp, a country club clubhouse, lodge or private club. The Project would seem to be compatible with all of these.

## II. Accessory Uses Compared to Special Uses.

The American Law Reports annotation, at 11 ALR 4<sup>th</sup> 1084 (2007), relating to educational and religious accessory uses, begins with a suggestion that,

“A question has arisen in a number of cases whether particular uses of property by educational or religious institutions were permitted accessory or incidental uses within the meaning of zoning ordinances. In determining whether a particular use was an accessory use, the courts frequently have considered whether similar educational or religious institutions customarily use their property in such a manner. If a particular use was found to be customary, the courts frequently have concluded that it was an accessory use. If it was not found to be customary, the opposite conclusion often has been reached. However, a finding that similar institutions did not customarily or regularly use their land in such a manner has not necessarily supported a finding that the use was not necessary. A number of courts have considered present and future trends in deciding what would be a customary use in the future. Other courts have reasoned that the nontraditional nature of a particular institution would be determinative of the question of a use being accessory to a primary religious use.” (Citations omitted)

A review of the cases referenced in that broad annotation seems to emphasize decisions which address the allowable accessory uses by, in many cases, moving to a special use that is still well connected to the church. This allows, in many cases, the proper result, while it seems to blur the difference between (1) allowable uses that are considered to be “accessory” to a church, with (2) allowable uses that are considered to be a legitimate “special use” connected to a church.

### III. Accepted Accessory Uses.

Accessory Uses are long accepted inclusions in typical zoning ordinances, and are required where religious institutions are concerned. The Church, itself, is allowed as a (non-conforming) conditional use. As such conditional use, it should be able to proceed with, and develop, the necessary support mechanisms and accessory uses to support and encourage its goals and its religious tenets.

1. Accepted Definitions. In most reported cases, as would be expected, an “accessory use” is secondary to, and less important than, the “primary use”, although, it is interesting that most courts allow child-care centers in a church, where the childcare center uses a large portion of the church five days a week. While some cases suggest that fulltime parochial schools are not incidental to the operation of a church, local interpretations have been clearly to the contrary, as shown by the very substantial residential additions to the McKinley Foundation, housing hundreds of students. This adds to their restaurant, meeting rooms, study facility and other public spaces. In addition, the Hillel Foundation addition on campus includes:

- Rooftop deck for BBQs, Sukkot and beautiful sunny days
- Meat and dairy kosher kitchens
- Theater-style projection capability
- Flexible space for student groups and activities
- Spacious student lounge
- Drop-in coffee bar

2. Dominant Use. Corpus Juris Secundum, at 101A CJS Zoning and Land Planning Sec. 144 (2007), suggests that a primary use of the property must be, and must continue to be, dominant to an accessory use. In other words, an accessory use must be occasioned by the principal use and be subordinate to it; it may not be the principal use of the property. (Citations omitted) Clearly in this case, the church use of the 6.5 acre property is the primary use. Here approximately 35,000 square feet of the structures are allotted to the Church facility and only 1,300 square feet are allotted to the Lifeline-connect Program. Even if they were to expand to 3,000 square feet, the Program would still be dwarfed, in comparison to the size of the Church facility.

Interestingly, the court in *Trent v Pittsburg*, (1980) 5 Kan App 2d 543, 619 P2d 1171, recognized that a building, if used for house servants, was considered to be incidental to the use and enjoyment of such primary use. There, the ordinance was similar to Champaign County's. Here, since the men care for the property, that theory would also apply. This is not a case involving great additional noise or congestion as may enter into some decisions. See, *Hindu Temple V Township of Bridgewater*, Not Reported in A.2d, 2007 WL 1228028.

3. Health and Safety Required. While the courts have broadly interpreted the religious arguments to separate the church and the state, therefore reading very broadly any zoning restrictions, the courts have continued to insist upon the appropriate health and safety requirements, whether it be a shelter for the homeless or a residential school facility operated by a religious organization. Here the Apostolic Life UPC is willing to assure that all health and safety provisions are met.
4. Statutory Direction. The federal statute addressing the question requires that governments shall not "impose or implement a land use regulation that ... unreasonably limits religious assemblies, institutions, or structures within a jurisdiction." 42 U.S.C.A. § 2000cc(b)(3).

The Illinois Religious Freedom Restoration Act, 775 ILCS 35/15 ("IRFRA"), Section 15, provides: "Government may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless it demonstrates that application of the burden to the person (i) is in furtherance of a compelling governmental interest and (ii) is the least restrictive means of furthering that compelling governmental interest."

5. Illinois. *Vineyard Christian Fellowship of Evanston, Inc. v. City of Evanston, a municipal corporation*, 250 F.Supp.2d 961, (N.D., Ill., 2003) is a primary Illinois case addressing the question of the ability to locate a church in a particular location. However, while in *Vineyard*, the church is not allowed to build in a location contrary to the Evanston Zoning Ordinance, the court specifically distinguishes it from *Western Presbyterian Church v. Board of Zoning Adjustment of Dist. of Columbia*, 862 F. Supp. 538, 546 (D.D.C.1994), and quotes: "Once the zoning authorities of a city permit the construction of a church in a particular locality, the city must refrain ... from in any way regulating what religious functions the church may conduct" (emphasis added)." This quote, in 2003, is certainly a recent, and an applicable reference.