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2
3 **MINUTES OF REGULAR MEETING**

4 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

5 **1776 E. Washington Street**

6 **Urbana, IL 61801**

7
8
9 **DATE: May 27, 2010**

**PLACE: Lyle Shields Meeting Room
1776 East Washington Street**

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

Urbana, IL 61802

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

15
16 **MEMBERS ABSENT :** Roger Miller

17
18 **STAFF PRESENT :** Lori Busboom, John Hall, J.R. Knight, Christina Papavasiliou (Assistant
19 State’s Attorney)

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

23
24
25 **1. Call to Order**

26
27 The meeting was called to order at 7:03 p.m.

28
29 **2. Roll Call and Declaration of Quorum**

30
31 The roll was called and a quorum declared present with one member absent.

32
33 **3. Correspondence**

34
35 None

36
37 **4. Approval of Minutes (May 13, 2010)**

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

41
42 **5. Continued Public Hearing**

43
44 **Case 645-S-09 Petitioner: Robert and Barbara Gerdes Request to authorize the construction and use**
45 **of a “Restricted Landing Area” as a Special Use in the AG-1 Agriculture Zoning District. Location:**
46 **An approximately 83 acre tract that is approximately the West Half of the Southwest Quarter of**
47 **Section 33 of Ayers Township and commonly known as the farm at 52 CR 2700E, Broadlands.**
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1 Mr. Bluhm informed the audience that this is an Administrative Case and as such the County allows anyone
2 the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands
3 for those who would like to cross examine and each person will be called upon. He requested that anyone
4 called to cross examine go to the cross examination microphone to ask any questions. He said that those
5 who desire to cross examine are not required to sign the witness register but are requested to clearly state
6 their name before asking any questions. He noted that no new testimony is to be given during the cross
7 examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt
8 from cross examination.

9
10 Mr. Hall stated that no new information has been received regarding Case 645-S-09 therefore the
11 information that was included in the Supplemental Memorandum dated May 21, 2010, is the latest
12 information.

13
14 Mr. Bluhm asked the Board if there were any questions for Mr. Hall and there were none.

15
16 Mr. Bluhm called Jeff Tock to testify.

17
18 Mr. Jeff Tock, attorney representing the petitioners, stated that since the last hearing they have had a hearing
19 on the County's motion for a summary judgment on the declaratory judgment complaint that he had filed for
20 the Gerdes'. He said that the court made its ruling on May 3, 2010, and determined that the court could not
21 decide because the court indicated that the State of Illinois must be made a party due to the fact that both the
22 State of Illinois, through IDOT, regulates restricted landing areas and the County, through its Zoning
23 Ordinance, regulates restricted landing areas. He said that the court stated that it can not make a decision for
24 or against or involving the State without the State being present to indicate its position. He said that the court
25 directed him to join the State in the declaratory judgment action so that all three parties versus the County
26 and the State can make their positions known to the court so that the court can make their decision. He
27 requested that the Board continue the public hearing for a period of 90 days so that the State can appear
28 before the court and a hearing can be held. He said that if the court denies his complaint then he will need to
29 come back before the ZBA to request a special use permit for the Gerdes'.

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

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

34
35 Mr. Bluhm noted that he will not be present at the July 29th meeting and Mr. Thorsland will not be present at
36 the August 12th meeting. He said that the 100-day limit for this case is August 26th or the case could be
37 heard as soon as July 15th.

38
39 Mr. Hall requested that the Gerdes case not be allowed to slow down Case 668-AT-10 that is opening at
40 tonight's public hearing. He said that this text amendment is intended to pave the way for a following
41 special use permit case and the petitioner for the proposed case has been waiting for some time to be heard.
42 He said that the petitioners could move forward with expansion if they only knew what they needed to do to

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1 comply. He said that he is not trying to be negative against the Gerdes case but this is a case that has been
2 continued several times therefore the Gerdes' are not in as urgent of a position as the folks who are waiting
3 on Case 668-AT-10. He said that there are members of the public who would like to see a resolution of Case
4 645-S-09 and certain County Board members have requested the status of the case.
5

6 Mr. Bluhm stated that a lot of the neighbor's and other interested parties of Case 645-S-09 have not been
7 attending the last couple of meetings because they are familiar with the fact that it will probably be
8 continued. He said that those neighbors and interested parties would probably appreciate a date certain for
9 final action so that they can be prepared when they attend the meeting. He said that if the case is continued
10 to the August 26th meeting then that would be a date certain of a final decision to occur on that night. He
11 said that this would put everyone on notice and surely within that 100 day timeframe the court would have
12 made their decision.
13

14 **Mr. Thorsland moved, seconded by Ms. Capel to continue Case 645-S-09, Robert and Barbara Gerdes**
15 **to the August 26, 2010, meeting for final action. The motion carried by voice vote.**
16

17 Mr. Hall stated that notice will be sent to all neighbors so that they are aware of the timeframe.
18

19 **Mr. Thorsland moved, seconded by Ms. Capel to rearrange the agenda and hear Case 668-AT-10,**
20 **Zoning Administrator prior to Case 665-AT-10, Zoning Administrator. The motion carried by voice**
21 **vote.**
22

23 **Case 665-AT-10 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
24 **Ordinance by revising paragraph 4.3.3 G. as follows: A. Increase the maximum fence height allowed**
25 **in side and rear yards from six feet to eight feet for fences in Residential Zoning Districts and on**
26 **residential lots in the AG-1 and AG-2 Zoning Districts; and B. Require all fencing that is in the front**
27 **yard and that is higher than four feet tall to be at least 50% transparent in Residential Zoning**
28 **Districts and on residential lots in the AG-1, AG-2, and CR Zoning Districts; and C. Increase the**
29 **maximum allowed height of all fencing to allow up to three inches of ground clearance.**
30

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

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1 have been split out. He said that there are older subdivisions in the rural areas that are actually in the R-1
2 District even though they have lots that are at least 20,000 square feet in area. He said that 20,000 square
3 feet in area is also the minimum required lot size in the AG-2 District and so currently the fact that the AG-2
4 District with 20,000 square foot lots and the lots in the R-1 District that are 20,000 square feet in area are
5 being lumped together is not a big deal but when we start separating them out there will be inconsistencies.
6 He said that the second paragraph of the Supplemental Memorandum mentions that it is staff's
7 recommendation that whatever the Board decides to do in the AG-2 District that the same thing be required
8 in subdivisions that are in the R-Districts that have lots that are at least 20,000 square feet. He said that if
9 the Board decides to go with staff's recommendation for the new revised alternative it would also be staff's
10 recommendation that it should also apply in residential districts with lots that are at least 20,000 square feet
11 in area. He said that the diagram would add a height limit in the CR District, when there isn't one currently,
12 and that is an error on the illustration. He said that staff is not proposing any new height limits on fencing in
13 the CR District and in the CR District the only thing that staff is proposing is adding the need for
14 transparency in the front yard.

15
16 Mr. Bluhm asked Mr. Hall if the height limit in the CR is eight foot.

17
18 Mr. Hall stated that there is no height limit in the CR District.

19
20 Mr. Courson asked Mr. Hall if the transparency requirement is for safety purposes then why not require it in
21 the CR District.

22
23 Mr. Hall stated that the transparency requirement in the front yard is also proposed for the CR District.

24
25 Mr. Courson stated that he does like this better than what was discussed previously.

26
27 Mr. Thorsland stated that when someone pulls into your driveway they cross some sort of permissibility
28 because when they pull into his driveway he wants to know who they are and what they are doing.

29
30 Mr. Courson stated that he doesn't see the need for the transparency because if someone intends to shoot a
31 cop they will shoot them. He said that if the fence has the transparency requirement and a criminal is inside
32 the house they will be able to see the officers approaching the house. He said that he doesn't believe in
33 paralyzing people.

34
35 Mr. Bluhm stated that if there is a domestic dispute on the front porch the officer could see the action taking
36 place on the property.

37
38 Mr. Courson stated that the transparency requirement could be looked at both ways.

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

41
42 Mr. Bluhm called Mr. Herb Schildt to testify.

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1
2 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet stated that the Newcomb Township Planning
3 Commission will be meeting to discuss this issue for the first time on June 14, 2010, therefore he has no
4 feedback to present at this time. He asked if a house is 700 feet off of the road would the transparency
5 requirement be for the whole 700 feet or just up by the house.
6
7 Mr. Hall stated that if someone had a fence along the entire 700 foot stretch of driveway then it would have
8 to be transparent.
9
10 Mr. Schildt stated that 700 feet in to a property which has 500 feet of woods and the house cannot be seen
11 from the driveway would still require a variance for transparency.
12
13 Mr. Hall stated yes.
14
15 Mr. Bluhm asked the Board if there were any questions for Mr. Schildt and there were none.
16
17 Mr. Bluhm asked if staff had any questions for Mr. Schildt and there were none.
18
19 Mr. Hall stated that if the Board would like staff to come back with a fully revised amendment then staff can
20 do that and staff will also run this idea past the Sheriff so that he is aware of what is being proposed.
21
22 Mr. Courson stated that perhaps staff should also address whether gates across driveways should also be
23 required to be transparent.
24
25 Mr. Bluhm stated that this would make sense because if someone has a big lot out in the rural area the
26 fencing may not be run back to the house.
27
28 Mr. Courson stated that he wouldn't spend the money to construct a fence all the way up the driveway and
29 would install a gate across the driveway.
30
31 Mr. Hall stated that he does not know what the fire protection districts think about gates in driveways.
32
33 Mr. Thorsland stated that if he had a gate it would not be in the visibility triangle and it would be
34 transparent. He said that the fire department can open up any gate they need to.
35
36 Mr. Bluhm stated that the fire department will but if a 12 foot tall gate is allowed then everything that the
37 Board has tried to achieve will be eliminated.
38
39 Mr. Thorsland stated that perhaps staff could check with the municipalities to see how they handle gates.
40
41 Mr. Hall stated that staff will speak with the municipalities.
42

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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

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1 month for a final recommendation to the full County Board. He said that when he heard the question of how
2 the amendment provides for changing technology he could remember the ZBA members asking the very
3 same question and he found the discussion in the minutes. He said that the other question that it was also
4 asked if the amendment was overly complicated and it is in fact more complicated than anyone else, except
5 for the City of Champaign, because there are more requirements. He said that complication is there for a
6 reason and he tried to explain, in comparison to other county ordinances, the benefits of the proposed
7 amendment in Item #2A-E of Attachment A. Questions from the May 4, 2010, Committee of the Whole
8 Meeting. He said that the recommended ordinance allows for the following: A. a greater height than any
9 other ordinance that has been reviewed and the ordinance; and B. ensures FCC compliance without getting
10 the County involved in any investigations of complaints; and C. adopts the same noise standard for wind
11 farms therefore having the same level of protection however if there are no neighbors within 900 feet at the
12 time of construction there is no noise standard; and D. limits the rotor diameter based on separation from
13 neighbors and therefore rural residents know what to expect; and E. on a basic one-acre lot in the AG-1
14 District four 40 to 80 kilowatt total capacity turbines would be allowed. He said that this is a complicated
15 ordinance which has eleven requirements and the only other ordinance that staff reviewed that had eleven
16 requirements was the City of Champaign. He said that he would appreciate it if the Board would let him
17 know if there is an important part of the ordinance was not been mentioned in Attachment A.

18
19 Mr. Schroeder asked Mr. Hall how many small wind turbines are proposed for Champaign County.

20
21 Mr. Hall stated that he believes that during staff's work on this amendment there was only one Zoning Use
22 Permit Application for a small wind turbine and the applicant had no problem complying with the
23 requirements. He reminded the Board that this amendment is for small wind only.

24
25 Mr. Schroeder stated that he just traveled from Peoria and he was surprised that he did not see any small
26 wind turbines in an area that has many hills. He said that currently as long as electricity is as cheap as it is he
27 does not see a big demand for something that is expensive and requires high maintenance.

28
29 Mr. Bluhm stated that when technology changes things get smaller.

30
31 Mr. Thorsland stated that perhaps as technology proceeds the ordinance could be revisited in regards to rotor
32 diameter.

33
34 Mr. Hall stated that there are only two counties which are concerned about rotor diameter and that were
35 Champaign and Macon counties.

36
37 Mr. Bluhm stated that he sees no reason why Attachment A should not be distributed.

38
39 **8. Other Business**

40
41 Mr. Bluhm asked if a special meeting on July 1st is necessary.

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

2

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

4

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

8

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

10

11 None

12

13 **10. Adjournment**

14

15 The meeting adjourned at 8:40 p.m.

16

17

18

19

20 Respectfully submitted

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24

25 Secretary of Zoning Board of Appeals

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