

AS APPROVED JULY 29, 2010

**MINUTES OF REGULAR MEETING**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street**

**Urbana, IL 61801**

**DATE: July 15, 2010**

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

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

**Urbana, IL 61802**

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

**MEMBERS ABSENT :** Roger Miller

**STAFF PRESENT :** Lori Busboom, John Hall, J.R. Knight

**OTHERS PRESENT :** Germaine Light, Randall Brown, John Rhoads, Mark Catron, Scott Olthoff, Sherry Schildt, Herb Schildt, Chris Doxtator, William Aceto, Brenda Rogers, Brenda Kimball, David Rogers, Joey Branson, Emily Oswald, Kerri Hurd, Jen Dillingham, Dora Grubb, John Grubb, Jeffery Branson, Thomas Martin, Randall Brown, Drew Kenna, A. Renee Pride, Kenneth Pride, Shirley Howe, Jimmy Howe, Bridget Valentine, Vivienne Bejasa, Matthew Purcell, Sabrina Purcell, Tammy Roberts, Jenna Houk, Kyle Houk, Jim Myers, Susie Wright, Lesa Brown, Michael Savage, Ken Waldrop, Carl Webber

**1. Call to Order**

The meeting was called to order at 7:05 p.m.

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

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

**3. Correspondence**

None

**4. Approval of Minutes (June 17, 2010)**

**Mr. Thorsland moved, seconded by Mr. Courson to approve the June 17, 2010, minutes as submitted. The motion carried by voice vote.**

**5. Continued Public Hearing**

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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ZBA

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).

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

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

Mr. Brown stated in closing that he would like to remind the Board that the entire community does not aspire to the passage of this amendment and that any testimony heard here tonight on behalf of the proponent should be considered as mere support of the vested interest of a few people vs. the entire community. He 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 this case and allowed to decide they would most likely reject it overwhelmingly. He prays that the Board will make the right decision for all of the people of Champaign County and not for a select few. He said that he would also ask any person who has the right to vote on this amendment and who has any affiliation with the proponent to abstain from voting on the forwarding of the amendment. He thanked the Board for its time.

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

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

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

Mr. Bluhm called Ms. Germaine Light to testify.

Ms. Germaine Light, who resides 2402 N. High Cross Road, Urbana, stated that it is hard to present her comments under the parameters that have been given. She said that at the last hearing many people testified 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.

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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.**

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		

7/15/10

*AS APPROVED JULY 29, 2010*

ZBA

1 Mr. Hall stated that the text amendment will be forwarded to the Champaign County Board Committee of  
2 the Whole at their August meeting.

3  
4 **6. New Public Hearings**

5  
6 None

7  
8 **7. Staff Report**

9 **A. June 2010 Monthly Report**

10  
11 None

12  
13 **8. Other Business**

14  
15 Mr. Bluhm stated that he will not be present at the July 29<sup>th</sup> meeting and Mr. Thorsland will not be present at  
16 the August 12<sup>th</sup> meeting. He said that there is only one case scheduled for the August 12<sup>th</sup> meeting therefore  
17 due to the County's financial situation it has been decided that one case is not enough to justify a meeting.  
18 He said that Case 673-V-10, Carl Parkinson will be moved to the August 26<sup>th</sup> meeting and will be heard first.

19  
20 **Mr. Thorsland moved, seconded Mr. Courson to cancel the August 12<sup>th</sup> meeting and to move Case**  
21 **673-V-10, Carl Parkinson to the August 26<sup>th</sup> meeting and to be heard first. The motion carried by**  
22 **voice vote.**

23  
24 Mr. Palmgren stated that it is possible that he will also not be present at the July 29<sup>th</sup> meeting.

25  
26 Mr. Hall requested that Mr. Palmgren contact staff to confirm his attendance to the July 29<sup>th</sup> meeting.

27  
28 Mr. Schroeder stated that he may be on vacation during the July 29<sup>th</sup> meeting.

29  
30 Mr. Bluhm requested that the Board contact staff as soon as possible regarding their attendance to the July  
31 29<sup>th</sup> meeting.

32  
33 Mr. Hall stated that the LRMP Booklets and CD's have been distributed to the Board. He said that he  
34 believes that the LRMP is a great document.

35  
36 Mr. Thorsland stated that he did attend many of the meetings and he is fairly happy with the final product.

37  
38 **9. Audience Participation with respect to matters other than cases pending before the Board**

39  
40 None

41  
42 **10. Adjournment**

43 The meeting adjourned at 8:55 p.m.

ZBA

AS APPROVED JULY 29, 2010

7/15/10

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Respectfully submitted

Secretary of Zoning Board of Appeals

7/15/10

DRAFT SUBJECT TO APPROVAL DRAFT

7/15/10

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