

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: June 17, 2010**

PLACE: Lyle Shields Meeting Room

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

1776 East Washington Street

Urbana, IL 61801

11
12 **I**

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

16
17 **MEMBERS ABSENT :** None

18
19 **STAFF PRESENT :** Connie Berry, John Hall, J.R. Knight

20
21 **OTHERS PRESENT :** Joan Grubb, Michael Savage, Lesa Brown, Vivienne Bejasa,
22 Dara Catron, Sabrina Purcell, Matthew A. Purcell, Ken
23 Waldrop, Melissa Lane, Alex Purcell, Julie Leonard,
24 Bridget Valentine, Randall Brown, Al Willms, Germaine
25 Light, Brenda Rogers, David Rogers, Kerri Hurd, Andrew
26 Kenna, Dora Grubb, Bill Aceto, Jeffery Branson, Thomas
27 Martin, Mark Catron, AJ Panska, R.J. Eaton, Carl Webber,
28 Randy Roberts, Shawn Shoemaker, Randy Brown, Helen
29 Miron, Becky Pedigo, Chris Sims, Siera Sweitzer, Troyt
30 Sweitzer, Susie Wright, Joseph Coble, Carol Coble, Gene
31 Vanderport, Jim How, Shirley Howe, Brenda Kimball,
32 Barney Blakenship, Chad May, Sara May, Chris Doxtator,
33 Leslie Cotton, John Rhoads

34
35
36 **1. Call to Order**

37
38 The meeting was called to order at 7:02 p.m.

39
40 **2. Roll Call and Declaration of Quorum**

41
42 The roll was called and a quorum declared present.

43
44 **3. Correspondence**

45
46 None

47
48 **4. Approval of Minutes (May 27, 2010)**

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

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

9
 10

11 **5. Continued Public Hearing**

12
 13 **Case 657-V-09** Petitioner: **Larry and Diane Lambright; and Scott Lambright**
 14 **Request: Authorize the use of an existing two story detached accessory storage**
 15 **building with a second story deck with a side yard of three feet in lieu of the required**
 16 **ten feet side yard for accessory structures in the AG-2 Agriculture zoning district,**
 17 **and an average height of 16 feet in lieu of the maximum allowed 15 feet average**
 18 **height for residential accessory structures on lots less than one acre in area in the AG-**
 19 **2 Agriculture zoning district. Location: Lot 1 of Cook’s Replat of Tract B of the K.D.**
 20 **Headlee Subdivision in Section 14 of Mahomet Township and commonly known as**
 21 **the house at 206B Lake of the Woods, Mahomet.**

22
 23 Mr. Bluhm informed the Board that Case 657-V-09 has been withdrawn by the Petitioner
 24 therefore there will be no further testimony on this case tonight.

25
 26 **Case 668-AT-10** Petitioner: **Zoning Administrator** Request: **Amend the Champaign**
 27 **County Zoning Ordinance as follows: 1. In Section 3, add Residential Recovery**
 28 **Center as a defined term, and is generally a group living facility for residents who are**
 29 **receiving support and training to assist them in recovering from the effects of**
 30 **chemical and alcohol dependency; and 2. In Section 4.2.1`C. authorize Residential**
 31 **Recovery Center as a second principal use on a lot with a church or temple in the AG-**
 32 **2 District; and 3. In Section 5.2, add Residential Recovery Center to the Table of**
 33 **Authorized Principal Uses as a use allowed by-right in the R-4 Multiple Family**
 34 **Zoning District, and allowed by Special Use Permit only, subject to standard**
 35 **conditions, only in the AG-2 Agriculture Zoning District and indicate a new footnote;**
 36 **and 4. In Section 5.2 add the new footnotes as follows: a. Add a new footnote**
 37 **indicating Residential Recovery Center is only allowed as a Special Use Permit in AG-**
 38 **2 District when: (1) located within one-and-one half miles of a home rule**
 39 **municipality with an adopted comprehensive plan; and (2) operated by church or**
 40 **temple and located on the same property as the operating church or temple; and b.**
 41 **Add a new footnote indicating the maximum number of residents in a licensed**
 42 **Residential Recovery Center in the R-4 District is 16; and 5. Add Residential**
 43 **Recovery Center to Section 6.1.3 with standard conditions of approval, including but**

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

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

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

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

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

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

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

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

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

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1 limit of 25 residents allowed.

2

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

4

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

9

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

12

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

15

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

17

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

20

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

24

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

27

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

29

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

31

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

35

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14
15 Mr. Bluhm called Germaine Light to testify.

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

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

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

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

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

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

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

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

7
8 Mr. Bluhm called Gene Vanderport to testify.

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

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

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

33
34 Mr. Bluhm called David Rogers to testify.

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

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

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

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

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

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

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

1 and what it can do but he would rather his comments not be geared towards his particular
2 facility. He said that he will accept comments as to how such a facility can enhance the
3 community but the comments must not be related to a specific recovery center. He said
4 that he also understands that site specific comments would be a great addition but currently
5 the Board is reviewing the general scope of such a use and whether or not it should be
6 allowed. He said that there will be a time for specific comment regarding a particular site
7 but now is not that time.
8

9 Mr. Rogers continued to indicate that not only is there a dire need for this type of facility in
10 this community but for every community in the United States. He said that a recovery
11 home of this nature, as described in the amendment, could continue to make a difference in
12 the residents and their families. He said that this type of residential recovery center is
13 common in the United States of America in cities large and small and there are
14 organizations that oversee virtually hundreds of residential recovery centers under one
15 organization. He said that he is in favor of the amendment because it would allow his
16 church to provide for its community what many other communities already have which is
17 to be a great help to those in need. He said that unfortunately every neighborhood in
18 Champaign County has people who are struggling with drug and alcohol addictions and the
19 resulting social woes of criminal behavior associated with the addiction. He said that a
20 residential recovery center is not the entire answer but it is part of the answer for the war
21 that we are struggling with as citizens.
22

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

26 Mr. Bluhm called Brenda Rogers to testify.
27

28 Ms. Brenda Rogers, who resides at 1802 N. Concord Lane, Urbana, stated that there are
29 graduates from this type of program present tonight as well as current residents that would
30 like to present testimony regarding the benefits and affects of a residential recovery center.
31
32

33 Mr. Bluhm reminded the audience that they are to only give general comments only.
34

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

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

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

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

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

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

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

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

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

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

1 amendment.

2

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

5

6 Mr. Bluhm called Thomas Martin to testify.

7

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

14

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

17

18 Mr. Bluhm called John Grubb to testify.

19

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

37

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

39

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

41

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26
27 Mr. Bluhm called Carl Webber to testify.

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

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

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

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

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

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

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

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

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

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

35
36 Mr. Bluhm closed the witness register.

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

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

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

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

11

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

13

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

22

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

24

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

27

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

31

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

41

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **6. New Public Hearings**

6
7 None

8
9 **7. Staff Report**

10
11 None

12
13 **8. Other Business**

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

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

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

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

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23 None

24
25 **10. Adjournment**

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

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30 Respectfully submitted

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35 Secretary of Zoning Board of Appeals
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DRAFT SUBJECT TO APPROVAL DRAFT

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