

1
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: March 15, 2012**

PLACE: Lyle Shield's Meeting Room

1776 East Washington Street

Urbana, IL 61802

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

12
13 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad
14 Passalacqua, Roger Miller

15
16 **MEMBERS ABSENT :** None

17
18 **STAFF PRESENT :** Connie Berry, John Hall, Andrew Kass

19
20 **OTHERS PRESENT :** R.J. Eaton, T.A. Eaton, Scott Sivers, Jerry Young, Randall Brown, Mark
21 Hummel, Jeff Tock, Steven J. Khachaturian, Rebecca Rodgers, Steven Bigz,
22 Cameron Gordon, Thomas Mann, Brian Doubek, David Rogers, Carl Weber,
23 Thomas Martin, Emily Cotton, Bryan Bradshaw, Rick Balbaugh, Christina
24 Garrett, Matthew Savage, Timothy Heard, Roger Burk, Ann Burk, Brenda
25 Rogers, Randy Green, Don Maxwell, Doug Maxwell, Chad May, John
26 O'Keefe, Chad O'Keefe, Steve Johnson

27
28
29 **1. Call to Order**

30
31 The meeting was called to order at 7:03 p.m.

32
33 **2. Roll Call and Declaration of Quorum**

34
35 The roll was called and a quorum declared present with one Board seat vacant.

36
37 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
38 sign the witness register for that public hearing.

39
40 **3. Correspondence**

41
42 None

43
44 **4. Approval of Minutes (February 16, 2012)**

45
46 **Mr. Courson moved, seconded by Mr. Passalacqua to approve the February 16, 2012, minutes as**
47 **submitted. The motion carried by voice vote.**
48

ZBA

1 Mr. Thorsland entertained a motion to re-arrange the agenda and hear Case 698-S-11 and Case 706-V-12
2 prior to continued Case 691-S-11.

3
4 **Mr. Courson moved, seconded by Ms. Capel to re-arrange the agenda and hear Case 698-S-11 and**
5 **Case 706-V-12 prior to continued Case 691-S-11. The motion carried by voice vote.**

6
7 **5. Continued Public Hearing**

8
9 **Case 691-S-11 Petitioner: Pastor David L. Rogers and Apostolic Life UPC Church, LLC Request to**
10 **authorize (1) The Apostolic Life UPC Church as a special use and (2) the establishment and use of a**
11 **“Residential Recovery Center” as a second special use on the same land, in the AG-2 Agriculture**
12 **Zoning District. Location: Lot 3 of the Almar First Subdivision in the Northeast Quarter of Section 3**
13 **of Urbana Township and commonly known as the Apostolic Life UPC Church located at 2107 High**
14 **Cross Road, Urbana.**

15
16 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
17 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
18 of hands for those who would like to cross examine and each person will be called upon. He requested that
19 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
20 those who desire to cross examine are not required to sign the witness register but are requested to clearly
21 state their name before asking any questions. He noted that no new testimony is to be given during the cross
22 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
23 from cross examination.

24
25 Mr. Thorsland informed the audience that anyone who desires to present testimony must sign the
26 witness register. He reminded the audience that when they sign the witness register they are
27 signing an oath.

28
29 Mr. Thorsland asked if the Petitioner desired to make a statement outlining the nature of their request.

30
31 Mr. Carl Webber, attorney representing the petitioner, stated that it was thought that he and the petitioner
32 would be before the Board tonight with an agreement with the neighbors and at 6:00 p.m. it was believed
33 that an agreement had been reached. He said that at 6:00 p.m. the neighbors and their attorney brought up a
34 new issue which is a bit difficult to consider because it affects and limits the possibility of expansion.
35 He said that the agreement resolved all of the drainage questions benefitting the neighbor to a net degree of
36 20% to 40% and included a fence, berm and the church’s maintenance agreement for the fence. He said that
37 just minutes ago he discovered that the neighbors are concerned that the church may not build the new
38 facility but increase the number of people in the program. He said that as he addresses the neighbor’s

ZBA

1 concern he cannot in a short amount of time understand all of the aspects of their concern. He said that the
2 neighbor's have indicated that if the church expands, whether there is construction or not, they want the
3 drainage issue fixed so obviously the drainage has nothing to do with the new building and only has to do
4 with a type of a payoff to get out of the way for the proposed project.

5
6 Mr. Webber stated that he and the petitioners are willing to suggest, and hope that the ZBA agrees, that they
7 have no current thoughts of expanding without construction and expanding without construction would
8 involve matters that would probably send them back before this Board. He said that to say that they never
9 would expand without construction would be unduly restricting. He suggested that the Board proceed with
10 their vote based upon the suggestions from staff including a fence if construction occurs and all of the other
11 restrictions that affect the project.

12
13 Mr. Thorsland asked the Board if there were any questions for Mr. Webber and there were none.

14
15 Mr. Thorsland asked if staff had any questions for Mr. Webber.

16
17 Mr. Hall asked Mr. Webber if the neighbors desire a detention basin even if there is no construction.

18
19 Mr. Webber stated that the neighbors desire the fence and the berm even if there is no construction and he
20 only assumes that they do not want a detention basin.

21
22 Mr. Passalacqua asked Mr. Webber what affect the fence has on the drainage.

23
24 Mr. Webber stated none.

25
26 Mr. Hall stated that the fence itself has little effect on the drainage although the berm would serve to direct
27 the flows.

28
29 Mr. Passalacqua stated that this is the first mention of the fence and he wondered where it came from.

30
31 Mr. Webber stated that Mr. Hall recommended that in order to recognize the fact that the neighbor is a single
32 family residence it might be appropriate to install a fence separating the single family residence from the
33 church and the petitioner agreed. He said that there was discussion of a berm, which the petitioner believes
34 will not do very much, and the petitioner agreed but only if there was an agreement with the neighbors. He
35 said that the fence and the berm were included in the agreement which as of 6:00 p.m. tonight is now a non-
36 agreement. He said that they are willing to install the fence and they hope to have a vote on the project
37 tonight.

38

ZBA

1 Mr. Hall stated that he appreciates the concern being raised because he feels that staff has been too trusting
2 in assuming that there would be no expansion without construction. He said that at this point, if the Board
3 takes action, the Board should adopt a position about expansion without construction. He asked Mr. Webber
4 if he would be willing for his client to accept a condition of no expansion without moving to a new building.
5

6 Mr. Webber stated that the petitioner had not anticipated expanding without moving to a new building but if
7 there was no approval of a new building then that would have to be the next option to review but it is not the
8 plan today. He said that the possibility of expansion without construction wasn't hidden but the neighbors
9 are suggesting that if the petitioner has more people without any expansion by construction that the berm and
10 the fence must still be constructed.
11

12 Mr. Hall reminded Mr. Webber and the Board that when the Board takes action on this case they are taking
13 action on two special use permits, one for the church and one for the residential recovery center. He asked
14 Mr. Webber if some level of expansion without a building might be a good option and is it something that he
15 could assist the Board with tonight. Mr. Hall stated that if the petitioner is unwilling to accept a condition of
16 no expansion without construction then the Board will need to define its position on how much expansion
17 without construction is acceptable.
18

19 Mr. Thorsland asked Mr. Webber if he would like to discuss this issue with the petitioner.
20

21 Mr. Webber asked Mr. Hall to indicate his interpretation of the position that the petitioner is in if this is
22 passed tonight. He asked Mr. Hall if there was a limit of the number of men that can be there if no
23 construction takes place.
24

25 Mr. Hall stated that there is a gray area because it is known where the new building will be located when the
26 finances are available and floor plan of the building has been submitted. He said that the Board has not seen
27 a floor plan of the existing arrangement and it is unknown if it is suitable for any expansion whatsoever and
28 there has been testimony that the local fire protection district has more or less signed off on the current
29 arrangement and that may be all that the Board needs to know. He said that if the Board took action tonight
30 based on the submitted testimony they would implicitly be approving some amount of expansion without
31 construction and the Board should have a clear position other than Mr. Webber's testimony that it won't
32 happen.
33

34 Mr. Webber stated that if the special use permit is approved to the petitioner as a church then it would be
35 very unusual to indicate that it is okay to be a church of 250 people but not 300 and that another special use
36 permit would be required to have a church of 300 people in lieu of 250. He said that the concept is the use
37 and whether or not the use is appropriate at this location and whether or not the petitioner should build and
38 what they should have to do to do so. He stated that he has no problem answering either one of those

ZBA

1 questions.

2

3 Mr. Thorsland stated that the Board has worked on this case with the intent that the Board was
4 accommodating drainage and the expansion in a new facility. He asked Mr. Webber if his client had any
5 thoughts about anything less than the allowance of the 24 man expansion without building a new building
6 should this request be approved.

7

8 Mr. Webber stated that that the only thing that has been discussed is what they may have to do if the request
9 was not approved. He said that they have not discussed any other alternative and they have no other plans.
10 He said that he hesitates to have any limitation on the special use and a limitation on the number of people
11 which could attend. He said that they would have to comply with all codes if any reconstruction to interior
12 walls or a change in the plumbing occurred because it would affect the septic system.

13

14 Ms. Capel asked Mr. Webber to indicate the maximum number of residents at the current facility.

15

16 Mr. Webber stated that the maximum is six.

17

18 Ms. Capel stated that the ZBA is discussing approving something that has an upper limit of 24 with no
19 construction.

20

21 Mr. Webber stated yes. He said that the safe way to say it is that there would be an upper limit of 24 in
22 either case and that all codes and requirements would have to be met. He said that every plan has focused
23 upon a new building and if the petitioner builds a new building they must do all of the things that have been
24 agreed upon.

25

26 Ms. Capel asked Mr. Webber to indicate how many residents the current facility could accommodate.

27

28 Mr. Webber stated six and it would take a considerable amount of work to expand it.

29

30 Mr. Hall stated that he could imagine the Board having before it conditions and plans because in regards to
31 the zoning issues the maximum number of 24 people in the existing building raises certain issues just as 24
32 people in a separate building. He said that the issues are somewhat different although the Board has received
33 a lot of testimony regarding existing drainage concerns and the berm would address some of those concerns.
34 He said that the Board could determine that the berm is a reasonable condition for the special use permit for
35 just the church but he is mostly concerned about the fact that the Board does not have a plan of the existing
36 facility so that if it did expand the Board would not be aware of it. He said that if the existing facility did
37 expand there is no way to make that expansion follow a building code unless it is included in a special
38 condition and the Board does not have such a condition before them. He said that the Board does have a

ZBA

1 condition for a building that has to meet a building code and with a little time the Board can make all of the
2 conditions apply to expansion in the existing building but that is not how the conditions were written. Mr.
3 Hall apologized to the Board because this issue is coming up so late but it is an obvious concern that should
4 have been addressed at the beginning. Mr. Hall stated that the petitioner is requesting an expansion of up to
5 24 people and it is hoped that a new building will be constructed and since the beginning it has been
6 indicated that the petitioner has limited funding therefore the Board needs to provide for this and he is not
7 sure if it can be done tonight.

8
9 Mr. Webber stated that he would be happy to discuss this issue with the petitioner during staff's
10 presentation. He requested the allowance of addressing the Board at a later time during the meeting
11 regarding this issue.

12
13 Mr. Hall distributed a new Supplemental Memorandum dated March 15, 2012, to the Board for review. He
14 said that item 6.D of the Summary of Evidence should be deleted. He said that item 8.B.(8) of the Summary
15 of Evidence should be revised as follows: On the February 21, 2012, a plan was submitted by the petitioner
16 showing the intent to build a berm around the rear and west side of Mr. Mark Hammel's property located at
17 2103 North High Cross Road, Urbana, in order to divert stormwater away from Mr. Hummel's property as
18 part of an agreement being negotiated with the neighbor. Mr. Hall stated that item 8.B.(8) is the finding
19 having to do with whether or not the use will be injurious to the district. He said that the revised version of
20 8.B.(8) makes it clear that there was an agreement attempting to be renegotiated. He said that when the
21 Summary of Evidence is prepared they need to be prepared so that they make sense in future.

22
23 Mr. Hall stated that a new item 8.B.(9) was added to the Summary of Evidence as follows: An e-mail dated
24 March 12, 2012, from Bryan Bradshaw, engineer for the petitioner can be summarized as follows: (a) the
25 increase in the overall Hummel watershed runoff rate as a result of the construction of the proposed recovery
26 center and parking lot is approximately 2% for the 100 year storm event and 10% for the 1 year storm event;
27 and (b) the reduction in the overall Hummel watershed runoff rate as a result of the construction of the
28 proposed 22,000 CF detention basin is approximately 25% for the 100 year storm event and 40% for the 1
29 year storm event.

30
31 Mr. Hall stated that item 8.M. of the Summary of Evidence should be revised as follows: At the June 30,
32 2011, public hearing Mr. John Grubb, who lives two blocks from Lifeline-connect stated that he is in support
33 of the program and has known some of the men in the program and as a community resident he is very
34 pleased to have the men in the program.

35
36 Mr. Hall stated that item 9.B.(1)(a) of the Summary of Evidence should be revised as follows: the proposed
37 Residential Recovery Center consists of a maximum 24 person dormitory. He reminded the Board that the
38 petitioner has testified that they intend to provide these services to men only but in the description it is a 24

ZBA

1 person dormitory.

2
3 Mr. Hall said that item 9.B.(2)(a) of the Summary of Evidence should be revised as follows: the proposed
4 Residential Recovery Center is owned and sponsored by the Apostolic Life UPC Church which is located at
5 2107 High Cross Road, Urbana, but will be operated by Lifeline-connect which is affiliated with Apostolic
6 Life UPC Church. The proposed Residential Recovery Center is proposed to be located on that same
7 property which is located within one and one-half miles of the City of Urbana which is a home-rule
8 municipality with an adopted comprehensive plan. He said that this item of evidence is in relation to the
9 requirements in the Ordinance for a Residential Recovery Center and that it be owned by a church and
10 located on the same property as the church.

11
12 Mr. Hall said that new item 10.D.9(2) should be added to the Summary of Evidence as follows: On
13 November 3, 2011, Carl Webber, attorney for the petitioner submitted a letter contending that Lifeline-
14 connect does not violate the Fair Housing Act and that the Fair Housing Act excuses religious organizations
15 from the claim of gender discrimination.

16
17 Mr. Hall stated that item 12.I of the Summary of Evidence had previously been proposed, requiring both a
18 berm and a fence and at that time the berm and the fence were part of the negotiated agreement between the
19 landowners. He said that item 12.I gets rid of the berm because this afternoon the berm was either in or out
20 of the agreement therefore he decided to propose to the Board that the Board should be concerned about the
21 fence and if they can come to an agreement on the berm the condition on the fence should provide for that
22 but should not be dependent upon it. He said that item 12.I should be revised as follows: No Zoning
23 Compliance Certificate shall be authorized for the proposed Residential Recovery Center until a fence is
24 constructed between the proposed Residential Recovery Center and the property at 2103 High Cross Road
25 that conforms to the fence indicated on the Berm Plan received on February 21, 2012, (except as modified
26 below) and the following: (1) The fence shall be constructed as follows: (a) the fence shall be no less than
27 six feet tall as measured from existing grade or no less than four feet tall if constructed on top of a berm that
28 is at least two feet tall compared to existing grade; and (b) the fence shall be completely opaque for its entire
29 height; and (c) the fence shall be maintained by the Applicant for the duration of the special use permit
30 unless a lesser time period is stipulated in an agreement with the owner of the property at 2103 High Cross
31 Road. He said that at the time of the negotiated agreement the maintenance of the fence only had a lifetime
32 of 20 years therefore this is intended to incorporate whatever is agreed to; and (d) in addition to what is
33 indicated on the Berm Plan, at the south property line the south end of the fence shall connect with the
34 existing fence on the property at 2103 High Cross Road. He said that item 12.J refers back to the negotiated
35 agreement and he would like to have the conditions completely separate from the negotiated agreement if
36 possible but he does know that for the neighbors at 2103 High Cross Road this was an important part of the
37 agreement and if possible staff will enforce if possible. He said that it might make sense to revise 12.I(d) so
38 that it is only required in the condition if it is required in the negotiated agreement. He said that the special

ZBA

1 condition is required to ensure that adequate separation between the proposed Residential Recovery Center
2 and 2103 High Cross Road. He said that at this time the drainage concerns are not addressed by that
3 condition.
4

5 Mr. Hall stated that new special condition of approval Item 12.J. was sent to the petitioner at the beginning
6 of the week and for some reason Mr. Hall believed that there was a septic system permit for the new system
7 but as far as he knows there is not. He said that he does not know if the neighbors had specific concerns
8 about the septic system therefore he read new special condition of approval item J. as follows: Regarding
9 the septic system for the proposed Residential Recovery Center: (1) the septic system must be substantially
10 the same as indicated in the drawings by Steve Johnson and submitted on November 3, 2011. No surface
11 discharge of effluent shall be authorized; and (2) No Zoning Use Permit may be authorized until a permit
12 authorizing construction of the septic system has been received from the Champaign County Health
13 Department and a copy of that permit shall be submitted with the Zoning Use Permit application for the
14 proposed Residential Recovery Center. He said that this simply means that no new permit authorizing
15 construction will be approved until a septic system permit is obtained and if the septic system has to be
16 relocated or expanded or somehow changed we do not want the building limiting what the septic system
17 should be. He said that the septic system should be what it needs to be and then the building fits in what is
18 left over. He said that the special condition is required to ensure that the actual septic system is the same as
19 described in the public hearing.
20

21 Mr. Hall noted that attached to the new memorandum is the e-mail from Bryan Bradshaw.
22

23 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.
24

25 Mr. Thorsland called Mr. Jeff Tock to testify.
26

27 Mr. Jeff Tock, attorney for Mr. and Mrs. Mark Hummel, stated that an agreement had been agreed upon until
28 6:00 p.m. but during his conversation with Mr. Webber he realized for the first time that they were not
29 talking about a 24 person dormitory being constructed as part the special use permit as soon as possible in
30 order to allow the center to continue to operate as a rehabilitation center but that it may not happen at all. He
31 said that the agreement which has been reached as to the construction of the berm and the fence and
32 addressing drainage issues and screening issues were based upon the anticipation of Mr. and Mrs. Hummel
33 that the church intended to move forward as soon as possible with the construction of a dormitory and that
34 the expansion of its rehabilitation program would not be done within the existing church buildings. He said
35 that no documentation that he has seen would indicate that the program would be expanded into the existing
36 building rather than expand it into a new structure. He said that it was agreed that the triggering point for the
37 church to construct the berm and the fence would be at the point and time when the new dormitory was
38 constructed which appeared to be a reasonable point and time because the church would be doing

ZBA

1 construction and excavation and the soil to construct the berm on the north and west property line of the
2 Hummel property line would be available. He said that the Mr. and Mrs. Hummel had no difficulty in
3 waiting until this triggering point with anticipation that there would be no increased activity on the church
4 property but at 6:00 p.m. it was realized that this may not be the case. He said that the church may be
5 increasing the facility by increasing the housing within the existing buildings which would then mean that
6 there would be no triggering mechanism for construction of any berm or fencing around the Hummel
7 property. He said that it was the feeling of Mr. and Mrs. Hummel, as the neighbors, that the church is
8 requesting two special use permits, one for the church and the other for the rehabilitation facility, and that
9 the facility for the church would not require any additional drainage. He said that in 1985 there were
10 promises of reducing the amount of stormwater runoff onto the Hummel property that was neither
11 constructed or remained in place therefore there is the runoff that comes from the church property onto the
12 Hummel's property. He said that his clients believe that it is fair at this point and time with the requested
13 special use as a condition of the issuance of the special use to deflect the water from coming on to the
14 Hummel property and keeping it on the church property allowing it to drain around to their driveway and
15 along the natural drainage area to the east. He said that the fence makes sense to his clients because it will
16 screen the activity that occurs on the church property from the Hummel's property. He said that it is
17 unknown as to what type of activity will occur on the church property as part of the special use permit and he
18 believes that screening is often times part of the conditions for the issuance of the requested special use
19 permit.

20
21 Mr. Tock stated that his clients have been very reasonable in what they have requested the church to provide
22 in the way of the berm and the fence. He said that the berm is to be two foot high and they originally
23 requested that a six foot fence be placed on top of the berm but the church responded indicating that they
24 would install a four foot fence on the two foot high berm and Mr. and Mrs. Hummel agreed. He said that
25 someone on the church side of the berm could walk up to the top of the berm and look over the four foot
26 fence but overall it is still a six foot high screen therefore it was acceptable. Mr. Tock stated that his clients
27 feel that there has not been full disclosure of what the church actually intended to do with its rehabilitation
28 program if it did not construct the dormitory facility. He said that if the church wanted to go ahead and
29 expand the facility under the approval of the special use permit Mr. Tock's clients would like to see the
30 triggering for the construction of the berm or the fence changed from being the start of construction of the
31 dormitory to any increase in the number of residents that are going to be housed within the church property.

32
33 Mr. Thorsland asked the Board if there were any questions for Mr. Tock.

34
35 Ms. Capel asked Mr. Tock if the same trigger would require the detention pond.

36
37 Mr. Tock stated that it is his understanding that the detention pond is a requirement of the Champaign
38 County Stormwater Management Policy and due to the 10,000 square feet of impervious surface that is being

ZBA

1 added to the property the detention basin would be required to be constructed. He said that if the new
2 parking area and dormitory are not constructed then it is his understanding that the detention pond will not
3 be constructed.
4

5 Mr. Hall stated that the last review indicated that the new impervious area would be below 10,000 square
6 feet but the ZBA was requiring it as a way to make sure that the existing drainage situation did not worsen.
7 He said that if you rely on the policy then no detention would have to be constructed.
8

9 Mr. Thorsland stated that the trigger is 10,000 square feet and the ZBA has faith that the new building would
10 provide some additional drainage issues and would include the detention pond as part of the its construction.
11 Mr. Thorsland asked Mr. Tock if he would suggest, in a broader sense, that the ZBA should consider fence
12 screening for adjacent properties on all special uses or is it this particular use that requires the fence.
13

14 Mr. Tock stated that he is suggesting the fence screening for this particular special use because of the
15 intensity of the use. He said that there are at least 250 members of the church and if those 250 people park in
16 the parking lot which is west of the Hummel property or utilize the horseshoe pits which exist in the
17 recreational area it is reasonable to have screening between the church property and the Hummel property.
18

19 Mr. Thorsland asked the Board if there were any additional questions for Mr. Tock and there were none.
20

21 Mr. Thorsland asked if staff had any questions for Mr. Tock and there were none.
22

23 Mr. Thorsland called Pastor David Rogers to testify.
24

25 Pastor David Rogers deferred his testimony until a later time during the hearing and requested that Mr.
26 Webber return to continue his testimony.
27

28 Mr. Thorsland called Carl Webber to testify.
29

30 Mr. Carl Webber stated that as he was addressed with the question of having more than six people without a
31 new building he was concerned about limiting whatever rights they might have and to indicate off the top
32 that his clients will limit themselves to something seemed rather difficult. He said that it had nothing to do
33 with something less than full disclosure because his clients want to make sure that there is no concern about
34 the approach that the church is taking towards this project. He said that they are simply willing to say that
35 they will not have more than six people unless they construct a building or return back before this Board
36 therefore Mr. and Mrs. Hummel won that one, although he does not believe that they should have and there
37 is one concern that Mr. and Mrs. Hummel will not win. He said that Mr. Wauthier discussed drainage at a
38 previous hearing and how the drainage was not completed in 1985 and it was inferred that the predecessor in

ZBA

1 title had been improper. He said that if the 1984 documents signed by Berns, Clancy and Associates were
2 reviewed it would be found that Berns, Clancy never indicated that what was indicated in the documents was
3 never completed and no one has heard from Berns, Clancy regarding that something was done for 25 years.
4 He said that in 1989 Berns, Clancy indicated that when the property was subdivided that everything was just
5 fine and the property has been before this Board three or four times since then and no one has indicated any
6 problem with the drainage. He said that if anyone would have known that there was a problem with the
7 drainage it would have been Berns, Clancy but now since they were contacted by Mr. and Mrs. Hummel it is
8 easy to suddenly indicate that something did not get done. He said that he was concerned about the
9 possibility of a conflict of interest because on one hand Berns, Clancy was responsible for all of the changes
10 on the subject property and now they are responsible for complaining about those changes. He said that even
11 the predecessor in title has been unfair to the current owners. He said that the church was completely
12 authorized within AG-2 when the petitioner moved in and improved the area from having warehouse-
13 retail/semi-trucks to a church and it isn't as if the church did something wrong by existing there or that they
14 are sliding under the barrier and fences were never required.

15
16 Mr. Webber stated that the report from Bryan Bradshaw, which appears correct or it would have been
17 contested, indicates that the increase in runoff from the proposed new construction is someplace between 2%
18 and 10% and the reduction of the runoff, due to the construction of the basin, is someplace between 25% and
19 40%. He said that the Mr. and Mrs. Hummel are getting a good deal and that is probably enough because
20 they are getting a tremendous reduction in their runoff and allowing a fence, as requested. He said that the
21 berm is not beneficial therefore his clients would request that the berm not be included as a requirement. He
22 said that the church is willing to agree that they will not increase the number from six people unless they
23 either build or come back before the Board therefore he hopes that the Board will be able to vote in favor of
24 the special use permit requests tonight.

25
26 Mr. Thorsland asked the Board if there were any questions for Mr. Webber and there were none.

27
28 Mr. Thorsland asked if staff had any questions for Mr. Webber.

29
30 Mr. Hall stated that he needs to verify that the petitioner will be willing to accept a condition that no more
31 than six residents could occupy the existing facility.

32
33 Mr. Webber stated that they are willing to accept that condition.

34
35 Mr. Hall stated that such a condition seems very concerning because it provides absolutely zero flexibility
36 and if everyone can live with zero flexibility then great but he knows very few people who can live with zero
37 flexibility.

38

ZBA

1 Mr. Webber stated that the idea of the project has always been to raise the money and build the dormitory
2 and that is still the plan.
3
4 Mr. Thorsland asked Mr. Webber if his client is willing to put up the fence at the time of construction or
5 prior to the permit.
6
7 Mr. Webber stated that the fence will be installed at the time of construction.
8
9 Mr. Thorsland stated that the berm is an issue which is yet to be settled.
10
11 Mr. Webber stated that there will be no additional activity on the special use until there are 24 people and
12 then it will be pretty minor.
13
14 Mr. Miller stated that the Board is not approving building the berm without a detention basin.
15
16 Mr. Thorsland stated that the berm is not on the table at this point. He said that the detention basin is part of
17 the new construction for the proposed building.
18
19 Mr. Thorsland called Pastor Rogers to testify.
20
21 Pastor David Rogers stated that they have followed the directives of the Chairman, the ZBA and Mr. Hall
22 from the very beginning of this process and they have provided all of the necessary information and
23 documentation required to support their application for the special use permit. He said that every standard
24 condition in the Zoning Ordinance has been discussed and re-addressed during these public hearings. He
25 said that a revised stormwater drainage plan has been submitted and reviewed and approved by the
26 consulting engineer without the berm. He said that any other concerns that have been before this Board have
27 been addressed publicly and privately and they have attempted to accommodate and alleviate these concerns
28 by the following: A. adding provisions to the stormwater drainage plan which was required by the policy;
29 and B. working with MTD to move the sign to the front of their property; and C. providing information
30 relating to all the standard conditions pertaining to this request and the special conditions which have been
31 brought up recently; and D. cooperating with the ZBA and Director John Hall; and E. attempting to have a
32 signed agreement with the owners of 2103 High Cross Road.
33
34 Pastor Rogers stated that they would have not given this much energy and this much money for an
35 application with a floor plan and a stormwater drainage plan that indicates their desire to construct a new
36 building if they were not going to do so. He said that they did not originally ask to expand within their
37 current footprint but asked for permission to build a building to house the Residential Recovery Center. He
38 said that it has never been their intention to add on inside the current building to house residents.

ZBA

1

2 Pastor Rogers stated that during previous public hearings the value of the Residential Recovery Center has
3 been testified to by men who have been enrolled and the ZBA has heard their stories as well as received
4 testimony from others in the community indicating the need for such a facility. He said that he hopes that
5 this is his last stand for this request but if this request was not based on absolute passion and a burden for the
6 ministry that it is associated with they would have withdrawn their request a long time ago. He said that if
7 the ministry of helping restore life in families suffering from the destruction of substance abuse was not a
8 calling and a commission given to them then they would have been absent several public hearings ago. He
9 said that if they did not believe in the effectiveness of the ministry of Lifeline-connect then they would have
10 given up many, many, several thousands of dollars ago. He said that they believe that the foundation for the
11 granting of this special use permit was laid in several other public hearings including city councils, city
12 planning commissions, and the County Board with unanimous votes. He said that through the whole
13 process there have only been a few that have been publically opposed to the request.

14

15 Pastor Rogers stated that many good questions have been brought forth during these public hearings such as
16 the stormwater plan and those questions and concerns were addressed with a stormwater drainage plan that
17 was professionally provided, reviewed by the consultant and scrutinized by another engineering firm and
18 approved without a berm. He said that they are convinced that they have a sincere purpose in this ministry
19 which is viable and valuable and a much needed service for the community. He said that they have complied
20 in providing all the necessary information and documentation required to accompany the special use permit
21 application and they have been present and pleasant in all of the hearings and correspondence regarding this
22 case. He requested that the ZBA vote in favor of the special use permit and give them the opportunity to
23 operate in the manner that they have requested which was to construct an additional building to house 24
24 men to comply with all of the standard conditions and at the same time have a good conscience that the
25 stormwater drainage plan will not harm the neighborhood but improve the neighborhood.

26

27 Pastor Rogers thanked the ZBA for allowing him the time to address any of their concerns and for allowing
28 him to speak.

29

30 Mr. Thorsland asked the Board if there were any questions for Pastor Rogers and there were none.

31

32 Mr. Thorsland asked if staff had any questions for Pastor Rogers and there were none.

33

34 Mr. Thorsland stated that he has a proposed condition considering the limit of people until new construction
35 occurred. He said that the condition would read as follows: The maximum number of residents in the
36 proposed Residential Recovery Center shall be 24 but no more than six residents could be housed in the
37 existing facility.

38

3/15/12

AS APPROVED APRIL 12, 2012

ZBA

1 Mr. Thorsland asked Pastor Rogers if he was comfortable with the condition because it would be limiting
2 them to six people until the new facility was constructed and then at that point the other things would be
3 triggered.

4
5 Pastor Rogers stated that the main goal is to build a new dormitory to house 24 men as according to the
6 standard conditions. He said that in the mean time they have no plans to house more than six men. He
7 asked if they are still restricted to six men in the current building after the dormitory is built to house 24
8 men.

9
10 Mr. Thorsland stated that the idea is that there will be a total of 24 men on the site. He asked Pastor Rogers
11 if he was comfortable with such a condition.

12
13 Pastor Rogers stated yes.

14
15 Mr. Thorsland asked the audience if anyone desired to cross examine Pastor Rogers.

16
17 Mr. Randall Brown asked Pastor Rogers to indicate the number of people currently enrolled in the program
18 and living on the site.

19
20 Pastor Rogers stated that there are currently five living on the site.

21
22 Mr. Brown asked Pastor Rogers if there were counselors living inside the building.

23
24 Pastor Rogers stated yes. He said that one counselor and his wife live inside the building.

25
26 Mr. Brown asked if there were seven people living inside the building.

27
28 Pastor Rogers stated yes.

29
30 Mr. Brown stated that it is obvious that Pastor Rogers has misled the Board.

31
32 Mr. Thorsland asked the audience if anyone else desired to cross examine Pastor Rogers and there was no
33 one.

34
35 Mr. Thorsland called Les Cotton to testify.

36
37 Mr. Les Cotton, who resides at 2402 Hampshire Drive, Champaign, stated that he would like to speak on
38 behalf of the men at Lifeline Connect. He said that he is a graduate of Lifeline-connect after being enrolled

ZBA

1 in the one year program. He said that he came from a wealthy family and he attended college where he
2 became involved in drugs and alcohol and during that eight year spree he ended up ruining his nursing career
3 and two DUI's later he was in a recovery nurse program where he went to a 30-day treatment facility. He
4 met the requirements to be re-instated into the nursing program and after spending about \$30,000 on the
5 program he walked out the same way that he walked in to the program. He said that the program did not
6 change him and he actually became worse and found himself at the very bottom with no purpose, no passion
7 or desire to go on with life. He said that he heard about Lifeline-connect and he became enrolled in the
8 program and it has totally changed his life around. He said that he has been clean and sober for three years
9 and he has been married for almost one year and employed at UPS for two years. He said that he is going to
10 school for Psychology and has been accepted into the Master's Program for clinical mental health counseling
11 and has to credit all of this to Lifeline-connect because it helped him get his life together and to continue
12 pursuing his nursing career and get re-instated. He said that he can see how much Lifeline-connect has
13 impacted his life and the other men that have been in the program. He said that there are so many people out
14 there who need a program like this because they just need a little bit of hope in their lives. He said that it has
15 turned his life around because his intention is not to pursue a nursing career but dedicate his life to reach out
16 to young men and women in need and give back to Lifeline-connect. He requested that the Board approve
17 the special use permit request.

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

20
21 Mr. Thorsland asked if staff had any questions for Mr. Cotton and there were none.

22
23 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Cotton and there was no one.

24
25 Mr. Thorsland called Steve Johnson to testify.

26
27 Mr. Steve Johnson declined to speak at this time unless the Board had questions regarding the septic.

28
29 Mr. Thorsland called Brenda Rogers to testify.

30
31 Brenda Rogers, Administrative Director for Lifeline-connect encouraged the Board to vote in favor of their
32 special use request. She said that all of the support that they have received and all of the meetings that they
33 have attended they have been told by other people that they should accept more than 24 men at the facility.
34 She said that this has been a long journey and once they obtain the Board's approval they have a lot of
35 people who will financially support the program and the program cannot expand until they obtain this
36 approval. She said that part of her job is to gain the financial support that is needed and she cannot do her
37 job until the Board approves the request. She said that the program has had tremendous results and every
38 community is touched by drugs and alcohol and they have a passion to help these people and put back into

ZBA

1 the community.
2
3 Mr. Thorsland asked the Board if there were any questions for Ms. Rogers and there was none.
4
5 Mr. Thorsland asked if staff had any questions for Ms. Rogers and there were none.
6
7 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Rogers and there was no one.
8
9 Mr. Thorsland called R. J. Eaton to testify.
10
11 Mr. R.J. Eaton declined to testify at this time.
12
13 Mr. Thorsland called Bryan Bradshaw to testify.
14
15 Mr. Bryan Bradshaw, who resides at 1915 Quail Run Drive, Mahomet stated that the footprint of the
16 detention basin is larger than the increase in the impervious area. He said that if any new development was
17 held to the same standards that the detention basin must be as big as the impervious area then the detention
18 basin would be very large. He said that in order to view how extreme the standard is he asked the Board to
19 imagine how large the detention basin for the local Wal-mart would need to be if it were to be the same size
20 as the parking lot's impervious area. He said that he feels that the Board has gone over and above what they
21 would be required to do on a typical project. He said that the berm that was requested by the neighbors will
22 provide limited benefit because the water will ultimately go to the low point which will be in the neighbor's
23 front yard and it will continue to flow to that location.
24
25 Mr. Thorsland asked the Board if there were any questions for Mr. Bradshaw and there were none.
26
27 Mr. Thorsland asked if staff had any questions for Mr. Bradshaw and there were none.
28
29 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Bradshaw and there was no one.
30
31 Mr. Thorsland called Mr. Randall Brown to testify.
32
33 Mr. Randall Brown, who resides at 2408 N. High Cross Road, Urbana, stated that he came tonight expecting
34 that the Board would vote in favor of the petitioner although he is very pleased to find that based on a
35 technicality this case should be tabled for another public hearing. He said that during his previous
36 questioning to Pastor Rogers he was trying reflect that there may be five enrolled residents currently however
37 there are two full-time residents at the facility all of the time making seven residents in total. He said that it
38 is evident that the petitioner has not been indicating the whole truth and they have been able to snowball this

ZBA

1 case through the Board the entire time. He said that Mr. Hall added item 10.D.(2) indicating that Mr.
2 Webber submitted a letter contending that Lifeline-connect does not violate the Fair Housing Act and that
3 the Fair Housing Act excuses religious organizations from the claim of gender discrimination. Mr. Brown
4 said that the State's Attorney indicated at a previous hearing that compliance with the Fair Housing Act is a
5 questionable issue. Mr. Brown said that just because Mr. Webber indicated that he has been to many
6 seminars and that the Fair Housing Act does not apply does not make it the law and it needs to be proven.
7

8 Mr. Brown stated that there are many holes in this case such as the number of residents on the subject
9 property prior to building a new facility and the actual law pertaining to those with disabilities and whether
10 or not each one of the residents is considered disabled. He said that there are many other issues with the case
11 which will require the assistance of an attorney therefore he requested that the case be tabled until an
12 agreement is reached with Mr. and Mrs. Hummel. He said that in theory this is a wonderful idea and he has
13 nothing against the church attempting to save lives however, it is his opinion that what has happened on the
14 subject property is illegal spot zoning and he warned the Board that it can be fought in court.
15

16 Mr. Thorsland asked the Board if there were any questions for Mr. Brown and there were none.
17

18 Mr. Thorsland asked if staff had any questions for Mr. Brown and there were none.
19

20 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Brown and there was no one.
21

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

25 Mr. Thorsland closed the witness register.
26

27 Mr. Thorsland called for a five minute recess.
28

29 **The Board recessed at 8:27 p.m.**

30 **The Board resumed at 8:34 p.m.**
31

32 Mr. Thorsland stated that at this time the Board will move to Case 702-V-11, Roger Burk prior to continuing
33 with Case 691-S-11.
34

35 Mr. Thorsland stated that the Board will now continue with Case 691-S-11.
36

37 Mr. Thorsland stated that the Board has received a verbal agreement from the petitioner indicating that they
38 are willing to limit the number of enrolled residents to six.

ZBA

1
2 Mr. Passalacqua asked if language indicating the difference between staff residents and enrollee residents is
3 necessary.
4
5 Mr. Thorsland stated that it could be spelled out but when you state residents of the Residential Recovery
6 Center it is evident who are being discussed.
7
8 Mr. Hall recommended that anytime residents are referred to that a parenthetical clause be inserted to make it
9 clear that staff is not included because someone could make the argument that when you reside on the
10 property you are a resident.
11
12 Mr. Thorsland asked the Board if they would be comfortable with such a clause.
13
14 The Board indicated that they were comfortable with such a clause.
15
16 Mr. Thorsland suggested that the trigger mechanism for the fence be when construction of the new dormitory
17 occurs.
18
19 The Board agreed with Mr. Thorsland's suggestion.
20
21 Mr. Passalacqua stated that he does not believe that the berm is necessary.
22
23 Mr. Thorsland agreed with Mr. Passalacqua and added that a six foot fence would be more effective than a
24 four foot fence on top of the berm. He said that staff did a good job in taking the berm out of the conditions
25 although berm plan is indicated in many places throughout the Summary of Evidence. He said that Mr. Hall
26 clarified that berm plan is indicated at many places of the Summary of Evidence because there was a
27 document submitted which was entitled "Berm Plan" therefore in order to refer to that plan properly staff
28 must use the document's title. Mr. Thorsland stated that the berm is not included in the "Berm Plan."
29
30 Mr. Miller stated that perhaps the berm is a spot placement for the spoil of the detention pond and as long as
31 the berm does not interfere with the natural flow of the water construction of the berm may be beneficial in
32 that they will not have to truck the spoil.
33
34 Mr. Thorsland stated that he would be comfortable in not saying anything about the berm or the spoil and let
35 them settle that issue amongst themselves.
36
37 Mr. Thorsland stated that the Board needs to carefully go through the conditions and make sure that the
38 petitioner agrees to those conditions and then go through the findings.

ZBA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Mr. Thorsland stated that he is comfortable with Condition 12.I.(1)(a) and (b) although Condition 12.I.(1)(d) states that at the south property line the south end of the fence shall connect with the existing fence on the property at 2103 High Cross Road. Mr. Thorsland asked the Board if they desired to mandate that condition or allow the petitioner and the neighbors to agree upon such on their own.

Mr. Passalacqua stated that he does not believe that such a mandate should be included.

Mr. Thorsland asked the petitioner if they were comfortable in being told that the south end of the fence shall connect with the existing fence on the property owned by Mr. and Mrs. Hummel or would the petitioner rather have such an agreement be between themselves and Mr. and Mrs. Hummel.

Pastor Rogers stated that he does not have a problem with the condition but there will be a new construction type fence adjoining a fence which is only constructed out of posts and wire. He said that he is comfortable with the condition but he is uncomfortable with the appearance.

Mr. Thorsland read item 12.I for the Board as indicated in the March 15, 2012, Supplemental Memorandum as follows: No Zoning Compliance Certificate shall be authorized for the proposed Residential Recovery Center until a fence is constructed between the proposed Residential Recovery Center and the property at 2103 High Cross Road that conforms to the fence indicated on the Berm Plan received on February 21, 2012, and the following: (1) The fence shall be constructed as follows: (a) The fence shall be no less than six feet tall as measured from the existing grade or no less than four feet tall if constructed on top of a berm that is at least two feet tall compared to existing grade; and (b) the fence shall be completely opaque for its entire height; and (c) the fence shall be maintained by the Applicant for the duration of the special use permit unless a lesser time period is stipulated in an agreement with the owner of the property at 2103 High Cross Road.

Mr. Hall stated that the new version of the agreement provided for joint maintenance of the fence and the Board could leave the issue of maintenance up to the two parties involved.

Mr. Thorsland agreed that the maintenance should be up to the two parties involved.

Ms. Capel stated that the text in 12.I.1(c) should be stricken and replaced with text from 12.I.1(d).

Mr. Thorsland stated that new special condition 12.I.1(c) will read as follows: In addition to what is indicated on the Berm Plan, at the south property line the south end of the fence shall connect with the existing fence on the property at 2103 High Cross Road.

ZBA

1 Mr. Thorsland stated that revised special condition 12.D. should be read as follows: The maximum number
2 of residents, not including staff, in the proposed Residential Recovery Center shall be 24 but no more than
3 six residents, not including staff, may be housed in the existing facility.

4

5 Mr. Thorsland asked the petitioners if they agreed to revised special condition 12.D.

6

7 Pastor Rogers and Mr. Webber agreed to revised special condition 12.D.

8

9 Mr. Hall recommended a revision to special condition 12.A. as follows: A complete Stormwater Drainage
10 Plan that conforms to the requirements of the Stormwater Management Policy, except that Stormwater
11 Detention shall be provided, and is consistent with the plan submitted on January 10, 2012, shall be
12 submitted and approved as part of the Zoning Use Permit application and all required certifications shall be
13 submitted after construction prior to issuance of the Zoning Compliance Certificate. Mr. Hall stated that the
14 Board is requiring detention which would not be required by the Policy and that detention is a feature of the
15 plan submitted on January 10th.

16

17 Mr. Thorsland asked the petitioners if they agreed to the revised special condition 12.A.

18

19 Pastor Rogers and Mr. Webber agreed to the revised special condition 12.A.

20

21 Mr. Thorsland asked the petitioners if they agreed with the special conditions as amended at tonight's public
22 hearing.

23

24 Pastor Rogers and Mr. Webber agreed with the special conditions as amended.

25

26 Mr. Thorsland entertained a motion to approve the special conditions as amended.

27

28 **Mr. Passalacqua moved, seconded by Mr. Courson to approve the special conditions for Case 691-S-**
29 **11 as amended. The motion carried by voice vote.**

30

31 Mr. Thorsland stated that a new item #38 should be added to the Documents of Record indicating the
32 following: Supplemental Memorandum dated March 15, 2012, with attachments.

33

34 Mr. Hall noted that there are two special use permits being approved therefore hopefully the Board will find
35 some way in mentioning both special use permits often enough that it is clear that everyone was on board
36 with the two special use permits, one for the church and one for the Residential Recovery Center.

37

38 **Finding of Fact for Case 691-S-11:**

ZBA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 691-S-11 held on June 30, 2011, September 15, 2011, November 3, 2011, February 16, 2012, and March 15, 2012, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permits, subject to the special conditions imposed herein, IS necessary for the public convenience at this location.

Ms. Capel stated that the requested Special Use Permits, subject to the special conditions imposed herein IS necessary for the public convenience at this location because the services of the Residential Recovery Center are needed in the community.

Mr. Thorsland stated that the need for a program of this nature is well documented in this location, staff, facilities and existing system of care as well as existing church facility makes it an ideal site for this program.

2. The requested Special Use Permits, subject to the special conditions imposed herein, is so designed, located, and proposed to be operates so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety and welfare.

a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

Ms. Capel stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

b. Emergency services availability is ADEQUATE.

Ms. Capel stated that emergency services availability is ADEQUATE.

c. The Special Uses WILL be compatible with adjacent uses.

Ms. Capel stated that the Special Uses WILL be compatible with adjacent uses because of the effort that the church is willing to undertake for improvement of drainage goes beyond what is required and the proposed screening for the recovery center will ensure that it is compatible with adjacent uses.

d. Surface and subsurface drainage will be ADEQUATE.

ZBA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Mr. Passalacqua stated that surface and subsurface drainage will be ADEQUATE because the new over-engineered drainage design will improve stormwater management.

Mr. Palmgren stated that the property is not located in the special flood hazard area.

e. Public safety will be ADEQUATE.

Ms. Capel stated that public safety will be ADEQUATE.

f. The provisions for parking will be ADEQUATE.

Mr. Courson stated that the provisions for parking will be ADEQUATE because residents do not have vehicles therefore not adding addition parking requirements.

Mr. Palmgren stated that the existing church as 114 existing parking spaces which is adequate for its current operation.

Ms. Capel stated that the requested Special Use Permits, subject to the special conditions imposed herein, is so designed, located and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

3a. The requested Special Use Permits, subject to the special conditions imposed herein, DOES conform to the applicable regulations and standards of the DISTRICT in which they are located.

Ms. Capel stated that the requested Special Use Permits, subject to the special conditions imposed herein, DO conform to the applicable regulations and standards of the DISTRICT in which they are located.

3b. The requested Special Use Permits, subject to the special conditions imposed herein, DO preserve the essential character of the DISTRICT in which they are located because:

a. The Special Uses will be designed to CONFORM to all relevant County ordinances and codes.

Mr. Courson stated that the Special Uses will be designed to CONFORM to all relevant County ordinances and codes.

ZBA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

b. The Special Uses WILL be compatible with adjacent uses.

Ms. Capel stated that the Special Uses WILL be compatible with adjacent uses.

c. Public safety will be ADEQUATE.

Mr. Courson stated that public safety will be ADEQUATE.

Mr. Courson stated that the requested Special Use Permits, subject to the special conditions imposed herein, DO preserve the essential character of the DISTRICT in which they are located.

4. The requested Special Use Permits, subject to the special conditions imposed herein, ARE in harmony with the general purpose and intent of the Ordinance because:

a. The requested Special Uses ARE authorized in the District.

b. The requested Special Use Permits ARE necessary for the public convenience at this location.

Ms. Capel stated that the requested Special Use Permits ARE necessary for the public convenience at this location.

c. The requested Special Use Permits, subject to the special conditions imposed herein, are so designed, located, and proposed to be operated so that they WILL NOT be injurious to the district in which they shall be located or otherwise detrimental to the public health, safety, and welfare.

Mr. Passalacqua stated that the requested Special Use Permits, subject to the special conditions imposed herein, are so designed, located, and proposed to be operated so that they WILL NOT be injurious to the district in which they shall be located or otherwise detrimental to the public health, safety and welfare.

d. The requested Special Use Permits, subject to the special conditions imposed herein, DO preserve the essential character of the DISTRICT in which they are located.

Ms. Capel stated that the requested Special Use Permits, subject to the special conditions imposed herein, DO preserve the essential character of the DISTRICT in which they are located.

ZBA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Mr. Courson stated that the requested Special Use Permits, subject to the special conditions imposed herein, ARE in harmony with the general purpose and intent of the Ordinance.

- 5a. The requested Special Use Permit for the church IS an existing nonconforming use and the requested Special Use Permit WILL make the existing use more compatible with its surroundings.**

Ms. Capel stated that the Special Use for the church IS an existing nonconforming use and the requested Special Use Permit WILL make the existing use more compatible with its surroundings.

Mr. Thorsland stated that the church was established before Ordinance #660 requiring a special use permit for a church which will bring the church in to compliance with Ordinance #660.

- 5b. The requested Special Use Permit for the Residential Recovery Center IS NOT an existing nonconforming use.**

Ms. Capel stated that the requested Special Use Permit for the Residential Recovery Center IS NOT an existing nonconforming use.

- 6. The special conditions imposed herein are required to ensure compliance with the criteria for special use permits and for the particular purposed described below:**

- A. A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy, except that stormwater detention shall be provided, and is consistent with the plan submitted on January 10, 2012, shall be submitted and approved as part of the Zoning Use Permit application and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The special condition stated above is to ensure;
The drainage improvements conform to the requirements of the Stormwater Management Policy and stormwater calculations submitted on January 10, 2012.

- B. Regarding State of Illinois accessibility requirements:**
 - (1) The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois licensed**

ZBA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Architect or Illinois Professional Engineer that the new building will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act;

- (2) The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**

The special conditions stated above are required to ensure:
The proposed Special Use meets applicable state codes for handicap accessibility.

- C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed Residential Recovery Center dormitory until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

The special conditions stated above are required to ensure:
The proposed structure is safe and built to current standards.

- D. The maximum number of residents, not including staff, in the proposed Residential Recovery Center shall be 24 but no more than six residents, not including staff, may be housed in the existing facility.**

The special condition stated above is required to ensure:
The authorized limit of residents is clearly stated and consistent with the Ordinance and the testimony in the public hearing and that compliance is enforceable.

- E. The operation of the proposed Residential Recovery Center shall remain in conformance with all applicable laws and regulations including the Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS301/).**

ZBA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

The special condition stated above is required to ensure:
The proposed Residential Recovery Center remains in conformance with relevant laws and regulations.

F. The proposed Residential Recovery Center shall at all times have an adequate number of responsible and qualified staff persons present and on duty onsite to provide supervision 24 hours per day, seven days per week.

The special condition stated above is required to ensure:
Staffing of the proposed Residential Recovery Center is consistent with the Ordinance and the testimony in the public hearing and that compliance is enforceable.

G. All onsite foodservice shall be in compliance in all times with the Champaign County Health Ordinance.

The special condition stated above is required to ensure:
Foodservice for the proposed Residential Recovery Center is consistent with County requirements and the testimony in the public hearing and that compliance is enforceable.

H. The proposed parking area for the proposed Residential Recovery Center shall comply with the Champaign County Zoning Ordinance requirements for screening from adjacent residences and Residential Districts.

The special condition stated above is required to ensure:
All parts of the proposed Residential Recovery Center are consistent with the Ordinance and the testimony in the public hearing and that compliance is enforceable.

I. No Zoning Compliance Certificate shall be authorized for the proposed Residential Recovery Center until a fence is constructed between the proposed Residential Recovery Center and the property at 2103 High Cross Road, that conforms to the fence indicated on the Berm Plan received on February 21, 2012, and the following:

1. The fence shall be constructed as follows:

ZBA

- 1 (a) The fence shall be no less than six feet tall as measured from
- 2 existing grade or no less than four feet tall if constructed on top
- 3 of a berm that is at least two feet tall compared to existing grade.
- 4
- 5 (b) The fence shall be completely opaque for its entire height.
- 6
- 7 (c) In addition to what is indicated on the Berm Plan, at the south
- 8 property line the south end of the fence shall connect with the
- 9 existing fence on the property at 2103 High Cross Road.

10
 11 The special condition stated above is required to ensure:
 12 **Adequate separation between the proposed Residential Recovery Center and**
 13 **2103 High Cross Road.**

- 14
- 15 **J. Regarding the septic system for the proposed Residential Recovery Center:**
- 16 (1) The septic system must be substantially the same as indicated in the
- 17 drawings by Steve Johnson and submitted on November 3, 2011. No
- 18 surface of effluent shall be authorized.
- 19
- 20 (2) No Zoning Use Permit may be authorized until a permit authorizing
- 21 construction of the septic system has been received from the Champaign
- 22 County Health Department and a copy of that permit shall be submitted
- 23 with the Zoning Use Permit application for the proposed Residential
- 24 Recovery Center.

25
 26 The special condition stated above is required to ensure:
 27 **The actual septic system is the same as described in the public hearing.**

28
 29 **Mr. Courson moved, seconded by Mr. Palmgren to approve the Summary of Evidence, Finding of**
 30 **Fact and Documents of Record as amended. The motion carried by voice vote.**

31
 32 **Mr. Miller moved, seconded by Mr. Passalacqua to move to the Final Determination. The motion**
 33 **carried by voice vote.**

34
 35 Mr. Thorsland informed the petitioners that one Board member seat was vacant therefore it is at their
 36 discretion to either continue Case 691-S-11 until a full Board is present or request that the present Board
 37 move forward to the Final Determination. He informed the petitioners that four affirmative votes are
 38 required for approval.

ZBA

1
2 Mr. Webber requested that the present Board move forward to the Final Determination.

3
4 **Final Determination for Case 691-S-11:**

5
6 Ms. Capel moved, seconded by Mr. Miller that the Champaign County Zoning Board of Appeals finds
7 that, based upon the application, testimony, and other evidence received in this case, the requirements
8 of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section
9 9.1.6 B. of the Champaign County Zoning Ordinance determines that the Special Use Permits
10 requested in Case 691-S-11 are hereby GRANTED WITH SPECIAL CONDITIONS to the applicants
11 to Pastor David L. Rogers and the Apostolic Life UPC Church authorize (1) the Apostolic Life UPC
12 Church as a special use and (2) the establishment and use of a “Residential Recovery Center” as a
13 second special use, subject to the following special conditions:

- 14
15 A. A complete Stormwater Drainage Plan that conforms to the requirements of the
16 Stormwater Management Policy, except that stormwater detention shall be
17 provided, and is consistent with the plan submitted on January 10, 2012, shall
18 be submitted and approved as part of the Zoning Use Permit application and all
19 required certifications shall be submitted after construction prior to issuance of
20 the Zoning Compliance Certificate.

21
22 The special condition stated above is to ensure;
23 The drainage improvements conform to the requirements of the Stormwater
24 Management Policy and stormwater calculations submitted on January 10,
25 2012.

- 26
27 B. Regarding State of Illinois accessibility requirements:
28 (1) The Zoning Administrator shall not approve a Zoning Use Permit for the
29 proposed Special Use Permit without certification by an Illinois licensed
30 Architect or Illinois Professional Engineer that the new building will
31 comply with the Illinois Accessibility Code and Illinois Environmental
32 Barriers Act;
33
34 (2) The Zoning Administrator shall not authorize a Zoning Compliance
35 Certificate authorizing operation of the proposed Special Use Permit
36 until the Zoning Administrator has verified that the Special Use as
37 constructed does in fact comply with the Illinois Accessibility Code and
38 Illinois Environmental Barriers Act.

ZBA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

The special conditions stated above are required to ensure:
The proposed Special Use meets applicable state codes for handicap accessibility.

- C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed Residential Recovery Center dormitory until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

The special conditions stated above are required to ensure:
The proposed structure is safe and built to current standards.

- D. The maximum number of residents, not including staff, in the proposed Residential Recovery Center shall be 24 but no more than six residents, not including staff, may be housed in the existing facility.**

The special condition stated above is required to ensure:
The authorized limit of residents is clearly stated and consistent with the Ordinance and the testimony in the public hearing and that compliance is enforceable.

- E. The operation of the proposed Residential Recovery Center shall remain in conformance with all applicable laws and regulations including the Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS301/).**

The special condition stated above is required to ensure:
The proposed Residential Recovery Center remains in conformance with relevant laws and regulations.

- F. The proposed Residential Recovery Center shall at all times have an adequate number of responsible and qualified staff persons present and on duty onsite to provide supervision 24 hours per day, seven days per week.**

The special condition stated above is required to ensure:

ZBA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Staffing of the proposed Residential Recovery Center is consistent with the Ordinance and the testimony in the public hearing and that compliance is enforceable.

G. All onsite foodservice shall be in compliance in all times with the Champaign County Health Ordinance.

The special condition stated above is required to ensure:
Foodservice for the proposed Residential Recovery Center is consistent with County requirements and the testimony in the public hearing and that compliance is enforceable.

H. The proposed parking area for the proposed Residential Recovery Center shall comply with the Champaign County Zoning Ordinance requirements for screening from adjacent residences and Residential Districts.

The special condition stated above is required to ensure:
All parts of the proposed Residential Recovery Center are consistent with the Ordinance and the testimony in the public hearing and that compliance is enforceable.

I. No Zoning Compliance Certificate shall be authorized for the proposed Residential Recovery Center until a fence is constructed between the proposed Residential Recovery Center and the property at 2103 High Cross Road, that conforms to the fence indicated on the Berm Plan received on February 21, 2012, and the following:

- 1. The fence shall be constructed as follows:**
 - (a) The fence shall be no less than six feet tall as measured from existing grade or no less than four feet tall if constructed on top of a berm that is at least two feet tall compared to existing grade.**
 - (b) The fence shall be completely opaque for its entire height.**
 - (c) In addition to what is indicated on the Berm Plan, at the south property line the south end of the fence shall connect with the existing fence on the property at 2103 High Cross Road.**

ZBA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

The special condition stated above is required to ensure:
Adequate separation between the proposed Residential Recovery Center and 2103 High Cross Road.

- J. Regarding the septic system for the proposed Residential Recovery Center:**
 - (1) The septic system must be substantially the same as indicated in the drawings by Steve Johnson and submitted on November 3, 2011. No surface of effluent shall be authorized.**
 - (2) No Zoning Use Permit may be authorized until a permit authorizing construction of the septic system has been received from the Champaign County Health Department and a copy of that permit shall be submitted with the Zoning Use Permit application for the proposed Residential Recovery Center.**

The special condition stated above is required to ensure:
The actual septic system is the same as described in the public hearing.

The roll was called:

Courson-yes	Miller-yes	Passalacqua-yes
Palmgren-yes	Capel-yes	Thorsland-yes

Mr. Hall informed the petitioners that they have received an approval.

6. New Public Hearings

Case 698-S-11 Petitioner: **S.J. Broadcasting, LLC, with owners Steven J. Khachaturian, Jon E. Khachaturian and the estate of Clinton C. Atkins** Request: **Authorize a radio transmission tower that is 346 feet in height and transmitter building as a Special Use with waivers (variance) of standard conditions in the AG-1 Zoning District, subject to the required variance in related Case 706-V-12.** Location: **A 5 acre tract in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 36 of Tolono Township and commonly known as a vacant parcel on the west side of CR 1200E and located approximately one-half mile south of the intersection of CR 1200E and CR 700N, Tolono.**

Case 706-V-12 Petitioner: **S.J. Broadcasting, LLC, with owners Steven J. Khachaturian, Jon E.**

ZBA

1 **Khachaturian and the estate of Clinton C. Atkins** Request: **Authorize the following in the AG-1**
2 **District: A. Authorize the use of a 5 acre lot on best prime farmland in lieu of the maximum lot size of**
3 **3 acres on best prime farmland in the AG-1 District for the construction and use of a radio**
4 **transmission tower and transmitter building in related Special Use Permit Case 698-S-11 (included as**
5 **the original variance); and B. Waiver (variance) of standard conditions for a front yard setback of 70**
6 **feet from CR 1200 in lieu of the required 100 feet and a rear yard setback of 40 feet in lieu of the**
7 **required 50 feet. Location: A 5 acre tract in the Northeast Quarter of the Northeast Quarter of the**
8 **Southeast Quarter of Section 36 of Tolono Township and commonly known as a vacant parcel on the**
9 **west side of CR 1200E and located approximately one-half mile south of the intersection of CR 1200E**
10 **and CR 700N, Tolono.**

11
12 Mr. Thorsland read the case descriptions for Case 698-S-11 and Case 706-V-12.

13
14 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
15 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
16 of hands for those who would like to cross examine and each person will be called upon. He requested that
17 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
18 those who desire to cross examine are not required to sign the witness register but are requested to clearly
19 state their name before asking any questions. He noted that no new testimony is to be given during the cross
20 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
21 from cross examination.

22
23 Mr. Thorsland stated that due to advertising requirements the ZBA cannot do much with these cases
24 therefore it would be advisable to continue Case 698-S-11 and Case 706-V-12 to the March 29, 2012,
25 meeting.

26
27 Mr. Thorsland stated that two signatures are on the witness register and he requested the witnesses return to
28 the March 29th meeting so that they may present testimony regarding the two cases at that time.

29
30 **Ms. Capel moved, seconded by Mr. Palmgren to continue Case 698-S-11 and Case 706-V-11 to the**
31 **March 29, 2012, meeting. The motion carried by voice vote.**

32
33 **The Board recessed at 8:27 p.m.**
34 **The Board resumed at 8:34 p.m.**

35
36 **Case 702-V-11 Petitioner: Roger Burk** Request: **Authorize the following in the I-1 Light Industry**
37 **Zoning District: Part A. Variance for a proposed warehouse storage facility with a setback of 54 feet**
38 **from the centerline of Paul Avenue, a local street, in lieu of the minimum required 58 feet; and Part B.**

ZBA

1 **Variance for a side yard of 5 feet in lieu of the minimum required side yard of 10 feet; and Part C.**
2 **Variance for a rear yard of 5 feet in lieu of the minimum required rear yard of 20 feet; and Part D.**
3 **Variance from the visibility triangle requirements for a corner lot; and Part E. Variance from the**
4 **minimum required number of parking spaces for industrial uses; and Part F. Variance from the**
5 **loading berth requirements in lieu of the required 1 load berth; and Part G. Variance from a**
6 **minimum separation from a side property line for parking spaces of 1 foot in lieu of the minimum**
7 **required 5 feet. Location: Lots 299 and 300 of Wilber Heights Subdivision in the Southwest Quarter**
8 **of Section 31 of Somer Township and commonly known as the buildings at 101 Paul Avenue.**
9

10 Mr. Thorsland stated that he would like to offer Roger Burk the opportunity to request that his case be
11 continued to the March 29, 2012, meeting. He said that such a continuance would allow the ZBA ample
12 time to thoroughly review Case 702-V-11.
13

14 Mr. Burk requested that Case 702-V-11 be continued to the March 29, 2012, meeting.
15

16 **Ms. Capel moved, seconded by Mr. Miller to continue Case 702-V-11, Roger Burk to the March 29,**
17 **2012, meeting. The motion carried by voice vote.**
18

19 **7. Staff Report**

20
21 None
22

23 **8. Other Business**

24 **A. February, 2012 Monthly Report**
25

26 Mr. Hall stated that February, 2012 was the third month in a row with increased permitting and such hasn't
27 happened for years where there have been three months in a row of exceeding the five year average.
28

29 **B. Review of ZBA Docket**
30

31 Mr. Hall asked the Board if they would like to begin the March 29th hearing earlier than 7:00 p.m.
32

33 Ms. Capel stated that she would appreciate the meeting beginning at 6:00 p.m. and the Board agreed.
34

35 Mr. Thorsland requested that all Board members be in attendance at the March 29th meeting.
36

37 Mr. Thorsland indicated that he completed the *Open Meetings Act* online training and he submitted a
38 certificate of completion to staff. He encouraged everyone on the Board to complete this training although

3/15/12

AS APPROVED APRIL 12, 2012

ZBA

1 he did indicate that it does take a while to get through it.

2
3 Mr. Hall stated that a computer in the Department of Planning and Zoning Office could be provided to a
4 Board member for completion of the online training.

5
6 **9. Audience Participation with respect to matters other than cases pending before the Board**

7
8 None

9
10 **10. Adjournment**

11
12 Mr. Thorsland entertained a motion to adjourn the meeting.

13
14 **Mr. Courson moved, seconded by Mr. Miller to adjourn the meeting. The motion carried by voice**
15 **vote.**

16
17 The meeting adjourned at 9:15 p.m.

18
19
20
21
22 Respectfully submitted

23
24
25
26
27 Secretary of Zoning Board of Appeals

28
29
30
31
32
33
34
35
36
37
38

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21