

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **July 15, 2010**  
Time: **7:00 P.M.**  
Place: **Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING  
FROM WASHINGTON STREET PARKING  
LOT AFTER 4:30 PM.**

**Use Northeast parking lot via Lierman Ave.,  
and enter building through Northeast  
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at  
(217) 384-3708*

**EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM**

## AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (June 17, 2010)
5. Continued Public Hearings

**Case 668-AT-10** Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

1. **In Section 3, add RESIDENTIAL RECOVERY CENTER as a defined term.**
2. **In Section 4.2.1 C. authorize RESIDENTIAL RECOVERY CENTER as a second principal use on a lot with a church or temple in the AG-2 District.**
3. **In Section 5.2, add RESIDENTIAL RECOVERY CENTER to the Table of Authorized Principal Uses as a use allowed by Special Use Permit only, subject to standard conditions, in the AG-2 Agriculture Zoning District and indicate a new footnote.**
4. **Add RESIDENTIAL RECOVERY CENTER to Section 6.1.3 with standard conditions of approval, including but not limited to:**
  - (1) **The property must be served by public transportation; and**
  - (2) **A limit on the number of residents equal to 10% of the occupancy of the worship area of the associated church, but no more than 25; and**

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Case 668-AT-10 cont:

- (3) Supervision by a responsible and qualified staff person, 24 hours per day, seven days per week; and
  - (4) The use must be operated in accordance with the Alcoholism and Other Drug Abuse and Dependency Act
5. In Section 7.4.1, add new paragraph C.3.i indicating parking for a RESIDENTIAL RECOVERY CENTER is only required for vehicles proposed as part of the Special Use Permit application.

Case 665-AT-10 Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance by revising paragraph 4.3.3 G. as follows:

- A. Increase the maximum fence height allowed in side and rear yards from six feet to eight feet for fences in Residential Zoning Districts and on residential lots in the AG-1 and AG-2 Zoning Districts.
- B. Require all fencing that is in the front yard and that is higher than four feet tall to be at least 50% transparent in Residential Zoning Districts and on residential lots in the AG-1, AG-2, and CR Zoning Districts.
- C. Increase the maximum allowed height of all fencing to allow up to three inches of ground clearance.

Case 666-AT-10 Petitioner: Champaign County Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance by revising Subsection 6.1 and paragraph 9.1.11D.1. to clarify that the standard conditions in Subsection 6.1 which exceed the requirements of Subsection 5.3 in either amount or kind are subject to waiver by the Zoning Board of Appeals or County Board.

- 6. New Public Hearings
- 7. Staff Report
  - A. June 2010 Monthly Report
- 8. Other Business
- 9. Audience Participation with respect to matters other than cases pending before the Board
- 10. Adjournment

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\* Administrative Hearing. Cross Examination allowed.

1 **MINUTES OF REGULAR MEETING**  
2  
3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
4 **1776 E. Washington Street**  
5 **Urbana, IL 61801**  
6

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7 **DATE: June 17, 2010** **PLACE: Lyle Shields Meeting Room**  
8 **1776 East Washington Street**  
9 **TIME: 7:00 p.m.** **Urbana, IL 61802**

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10 **MEMBERS PRESENT:** Doug Bluhm, Catherine Capel, Thomas Courson, Roger Miller, Melvin  
11 Schroeder, Eric Thorsland, Paul Palmgren  
12  
13

14 **MEMBERS ABSENT :** None  
15

16 **STAFF PRESENT :** Connie Berry, John Hall, J.R. Knight  
17

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

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28  
29  
30 **1. Call to Order**  
31

32 The meeting was called to order at 7:02 p.m.  
33

34 **2. Roll Call and Declaration of Quorum**  
35

36 The roll was called and a quorum declared present.  
37

38 **3. Correspondence**  
39

40 None  
41

42 **4. Approval of Minutes (May 27, 2010)**  
43

44 Mr. Thorsland indicated that Line 28 of Page 5 should be corrected to indicate the following: Mr. Thorsland  
45 stated that if he had a gate it would not be in the visibility triangle and it would be transparent. He said that  
46 the fire department can open up any gate they need to.  
47

48 **Ms. Capel moved, seconded by Mr. Courson to approve the May 27, 2010, minutes as amended. The**

**DRAFT**  
**SUBJECT TO APPROVAL**

1 motion carried by voice vote.

2  
3

4 **5. Continued Public Hearing**

5

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

14

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

17

18 **Case 668-AT-10** Petitioner: **Zoning Administrator** Request: **Amend the Champaign County Zoning**  
19 **Ordinance as follows: 1. In Section 3, add Residential Recovery Center as a defined term, and is**  
20 **generally a group living facility for residents who are receiving support and training to assist them in**  
21 **recovering from the effects of chemical and alcohol dependency; and 2. In Section 4.2.1`C. authorize**  
22 **Residential Recovery Center as a second principal use on a lot with a church or temple in the AG-2**  
23 **District; and 3. In Section 5.2, add Residential Recovery Center to the Table of Authorized Principal**  
24 **Uses as a use allowed by-right in the R-4 Multiple Family Zoning District, and allowed by Special Use**  
25 **Permit only, subject to standard conditions, only in the AG-2 Agriculture Zoning District and**  
26 **indicate a new footnote; and 4. In Section 5.2 add the new footnotes as follows: a. Add a new**  
27 **footnote indicating Residential Recovery Center is only allowed as a Special Use Permit in AG-2**  
28 **District when: (1) located within one-and-one half miles of a home rule municipality with an adopted**  
29 **comprehensive plan; and (2) operated by church or temple and located on the same property as the**  
30 **operating church or temple; and b. Add a new footnote indicating the maximum number of residents**  
31 **in a licensed Residential Recovery Center in the R-4 District is 16; and 5. Add Residential Recovery**  
32 **Center to Section 6.1.3 with standard conditions of approval, including but not limited to: (1) the**  
33 **property must be served by public transportation; and (2) a limit of 25 residents; and (3) supervision**  
34 **by a responsible and qualified staff person, 24 hours per day, seven days per week.**

35

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

40

41 Mr. Hall distributed a Supplemental Memorandum dated June 17, 2010, to the Board for review. He said  
42 that this is the second meeting for this case. He said that after the mailing staff continued to work on the R-4  
43 authorization and last week he realized that within the ETJ of Champaign the County’s R-4 District is not

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DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 used for multi-family dwellings and all through the 1990's it was used for single family subdivisions, simply  
2 to get a smaller side yard. He said that obviously this was okay because it was approved but the point is that  
3 when staff targets a text amendment thinking that the R-4 District is multi-family it isn't. He said that this is  
4 not how it was explained to the County Board and he is uncomfortable with this case continuing with  
5 allowing this in R-4 by-right. He said that staff has done enough work on this case that if the County Board  
6 ultimately decides that this is reasonable and would like to authorize it, even though no one has requested it,  
7 staff could run another text amendment which should be a simple thing to get through the public hearing  
8 process. He said that Board members may recall that there were significant differences between what staff  
9 was proposing to allow by-right and what the City of Champaign allows by-right and anytime there is a  
10 difference like this it requires coordination therefore at this time he would like to withdraw the by-right  
11 authorization for the R-4 District. He said that staff has documented this issue in the Supplemental  
12 Memorandum dated June 17, 2010, well enough that it could be passed along to the County Board at the  
13 proper time and if they choose to pick it up again then they can at that time.

14  
15 Mr. Hall stated that the Supplemental Memorandum dated June 17, 2010, includes pages 45-49 of the  
16 Urbana Zoning Ordinance – Republished 2008. He said that this was included to illustrate to the Board that  
17 staff has correctly read the Table of Uses. He said that even though Urbana does not allow a Dwelling,  
18 Home for Adjustment in the AG District, which is the district that the City of Urbana envisions agricultural  
19 properties being annexed into their city, for some reason a Methadone Treatment Facility is authorized in the  
20 AG District. He said that it is his opinion that a Methadone Treatment Facility is a more intensive use than a  
21 Residential Recovery Center because the Methadone Treatment Facility is not a residential use but is more of  
22 medical clinic use which has patients coming and going on a regular basis and involves medical procedures.  
23 He said that a Methadone Treatment Facility deals with a population that is addicted to drugs therefore it is  
24 not completely dissimilar and there is some resemblance and the new evidence that has been prepared for the  
25 Board's review discusses this resemblance in the finding of fact. He said that this issue is something that  
26 County staff desires to discuss with the staff from the City of Urbana. He said that also attached to the new  
27 memorandum is Revised Table 3. Comparison of Proposed County Ordinance with Existing Home Rule  
28 Municipality Requirements which is a table that the Board has reviewed at previous meetings. He said that  
29 staff has compared the proposed Residential Recovery Center to two uses, Recovery Home and Community  
30 Living Facility, Class III, authorized in the City of Champaign's Zoning Ordinance and three uses, Home for  
31 Adjustment, Methadone Treatment Facility and Community Living Facility, Class III, authorized in the City  
32 of Urbana. He said that previous versions of Table 3 had some inaccuracies in that it incorrectly indicated  
33 MF-1 as the lowest intensity zoning district that the City of Champaign would authorize the Recovery Home  
34 but in fact the City of Champaign authorizes the Recovery Home in their lowest intensity single family  
35 residential zoning district which is comparable to AG-2. He said that the revised table indicates that the only  
36 thing that appears to be similar to a Residential Recovery Center that the City of Urbana allows in their AG  
37 district is a Methadone Treatment Facility. He said that most of the inaccuracies were in the section of the  
38 table which discussed the districts in which those things are authorized, there are no notes and nothing else  
39 was changed. He said that there were several things in the finding that was included in the mailing on Friday  
40 that indicated that more evidence would be available at the hearing and in some instances staff included  
41 things that were incorrect. He said that Attachment C, New and Revised Evidence for Finding of Fact for  
42 Case 668-AT-10, is attached to the Supplemental Memorandum dated June 17, 2010, which includes  
43 everything where staff indicated that more evidence would be provided and includes several instances where

1 staff has revised evidence. He asked the Board if they would like him to quickly review Attachment C or go  
2 directly to public comments.

3  
4 The consensus of the Board was to have Mr. Hall review Attachment C.  
5

6 Mr. Hall read and reviewed Attachment C, New and Revised Evidence for Finding of Fact for Case 668-AT-  
7 10, as requested. He said that County staff needs to coordinate all the new evidence with municipal staff and  
8 a previous, unsuccessful attempt was made to meet with both entities. He said that the amendment, at this  
9 time, is consistent with what staff previously discussed with the State's Attorney staff but the State's  
10 Attorney staff has not reviewed the new evidence and he would feel a lot more comfortable if this case did  
11 not move forward until the State's Attorney has had a chance to sign off on this evidence. He said that  
12 although he does not anticipate staff introducing new evidence at this time there are a lot of people at the  
13 meeting that desire to present testimony which may lead to new evidence but even if the testimony does not  
14 lead to new evidence he would request that the Board continue this case to a later date.  
15

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

18 Mr. Palmgren asked Mr. Hall if the standard condition limiting the occupancy to no more than 10% of the  
19 maximum capacity of the primary worship area eliminates the previous limit of 25 residents allowed.  
20

21 Mr. Hall stated that he believes that the limit is still at 25.  
22

23 Mr. Palmgren asked if the limit would still be valid because the current text indicates that the occupancy can  
24 be no more than 10% of the maximum capacity of the primary worship area. He said that if there is no cap  
25 on the occupancy then a definition of primary worship area should be included in the text because it could  
26 vary with different churches.  
27

28 Mr. Hall stated that if the Board desires to put a cap on the 10% then he would agree that it would be a good  
29 thing.  
30

31 Mr. Thorsland stated that Item #1.4(2) of Attachment C originally indicated a limit of 25 residents in the  
32 AG-2 District.  
33

34 Mr. Hall stated that Item #1.4(2) is out of date.  
35

36 Mr. Bluhm stated that we are either discussing 10% of the primary worship area or a maximum cap of 25  
37 residents or combination.  
38

39 Mr. Hall stated that the recommendation is to at least have it limited on the capacity of the primary worship  
40 area and if the Board desires to place an upper limit on that then that is fine.  
41

42 Mr. Bluhm stated that the way the current text is written limits it to only 10% of the primary worship area.  
43

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

2  
3 Mr. Palmgren stated that a maximum of 25 residents is a reasonable cap.

4  
5 Mr. Thorsland stated that the minutes of the previous hearing indicates that the Board discussed a limitation  
6 with Mr. Webber and it was decided that a cap of 25 was acceptable. He said that he is comfortable with a  
7 limit of 10% of the primary worship area.

8  
9 Mr. Hall stated that that largest one that he could imagine that the Board would ever see, using the 10%  
10 limit, would have a limit of 25 residents. He said that staff reviewed their records and it was determined that  
11 the maximum for the only known facility that could be proposed would be 25. He said that once the Board  
12 gets to that case it may be different but currently staff has determined that even at using the 10% limit there  
13 still could be no more than 25 residents. He said that if the Board is more comfortable with placing a cap of  
14 25 then by all means that should be done.

15  
16 Mr. Courson asked Mr. Hall why this use is only being tied to a church.

17  
18 Mr. Hall stated that this use is being tied to a church because it is a church that has made such a request  
19 therefore staff went to the County Board with this text amendment. He said that if the Board desires to  
20 expand the use beyond a church then a re-advertisement would be required.

21  
22 Mr. Courson asked if sex addicts would be included in this use.

23  
24 Mr. Hall stated that he doubts that sex addiction is regulated under the same statute. He said that if the  
25 Board feels that sex addiction is reasonable and consistent with everything else then the text amendment  
26 could be expanded to include it. He said that staff should verify if there are any relevant statutes regarding  
27 sex addiction at this type of facility.

28  
29 Mr. Bluhm asked the Board if there were any additional questions for Mr. Hall and there were none.

30  
31 Mr. Bluhm called Mr. John Rhoads to testify.

32  
33 Mr. John Rhoads, who resides at 511 W. Church, Champaign stated that he is an intern with Webber and  
34 Theis and he would like to discuss some of the legal issues surrounding the Zoning Ordinance. He said that  
35 the question may be asked as to why AG-2 is considered the proper zoning for this particular use. He said  
36 that while single family dwellings already constructed are permitted by-right in AG-2 the range and number  
37 of special uses permissible in this zone indicate that AG-2 is not intended to focus on residential uses. He  
38 said that anyone who desires to develop a single family residential subdivision must obtain permission and  
39 so too must someone who wishes to build a commercial greenhouse, sawmill or amusement park. He said  
40 that many of the special uses allowed in AG-2 are not allowed in any residential zone. He said that the AG-2  
41 designation was created with a broad range of goals in mind and should not be regarded as a residential zone.  
42 He said that AG-2, limited by the requirement to obtain a special use permit, is a proper district in which to  
43 allow a residential recovery center. He said that the perimeters and requirements set out for residential

1 recovery centers restrict the use of the facilities that should not present any concerns to area residents. He  
2 said that the near rural setting in AG-2 is an ideal location for these young men to experience recovery.

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

5  
6 Mr. Bluhm called Mr. Joseph Coble to testify.

7  
8 Mr. Joseph Coble, who resides at 2412 N. High Cross Road, Urbana stated that he owns five acres on each  
9 side of High Cross Road and he has no idea where a residential recovery center is going to be located. He  
10 said that the same type of thing was done in downtown Champaign and it was a mess. He said that Dr.  
11 Savaas, a property owner of several buildings in the vicinity, could not rent his buildings for over two years  
12 due to the residential recovery center’s residents. He said that he believes that the proposed use is ridiculous  
13 and he does not understand why the County would be willing to use its good farm land so that people could  
14 rescue themselves. He said that there are woods in the vicinity of the facility and he does not know how the  
15 residents will be able to live with the deer and other livestock in the area. He said that such a use will ruin  
16 the value of his property and he fully opposes it.

17  
18 Mr. Bluhm requested that Mr. Coble keep his comments to the text amendment and not to a particular site.  
19 He said that Mr. Coble’s concern about the proposed use devaluing surrounding property is a general  
20 comment that would pertain to the text amendment.

21  
22 Mr. Bluhm informed Mr. Coble that this public hearing is for a general text amendment for the entire County  
23 and not for a particular site.

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

26  
27 Mr. Bluhm called Mr. Randall Brown to testify.

28  
29 Mr. Randall Brown, who resides at 2408 N. High Road, Urbana stated that he is present tonight in opposition  
30 to the proposed amendment as described in case number 668-AT-10. He said that although the purpose of  
31 the residential recovery center is for the betterment of selected individuals, it is not in the best interest of the  
32 County to adopt the request. He said that approval of the proposed changes increases the liability of the  
33 County relative to the term “spot zoning” should this progress. He said that for those unfamiliar with the  
34 term, “spot zoning” refers to applying the map portion of a zoning ordinance to a particular parcel of land  
35 without regard to its surroundings. He said that an easy analogy of a spot zoning is commercial zoning on a  
36 residential lot that is situated mid-block in a subdivision and if this is to progress it sounds like the same  
37 thing will be done on High Cross Road. He urged the Board to carefully step into this amendment because  
38 there is a red flag flying very high because it sounds like the County is trying to appease a group of certain  
39 people. He said that in this case it is clear that the LRMP Purpose statement definition of a goal is not being  
40 upheld with this request. He said that the definition is stated as “an ideal future condition to which the  
41 community aspires.” He said that the local community does not aspire to the passage of any of the  
42 amendments proposed in this request. He said that the Preliminary Draft in this case is clearly in error as on  
43 Page 5, Section 6.E, Goals 3,8, and 10 have been dismissed as irrelevant, when in fact they are very relevant.

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1 relevant. He said that Goal 3, Prosperity, is extremely relevant in this case. He said that if approved the  
2 residential recovery center would have no tangible positive impact other than exposing the public to  
3 addictive personalities in transition or, potentially, a criminal element. He asked the Board if they would  
4 consider that consistent with prosperity because he would not.  
5

6 Mr. Brown stated that Goal 8, Natural Resources, is relevant as further coverage of land in the area will  
7 affect adequate drainage. He said that drainage problems will increase with potential further lot coverage.  
8 He said that without adequate drainage, an adverse effect could arise on a neighboring AG-2 property  
9 adjacent to the church property and long term this is in conflict with sustainability as addressed in Objective  
10 8.4. He asked the Board if 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 residential recovery  
13 center has the potential for a long-term cultural shift from a more rural environment that is quiet and  
14 reserved to a neighborhood in transition based on increased pedestrian traffic and vehicular traffic and the  
15 possible introduction of a criminal element which can have long-term trickle down effect. He said the one  
16 devastating effect could be decreased property values. He asked the Board if they would consider up to 25  
17 transitional personalities a cultural amenity because he would not.  
18

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

30 Mr. Brown stated that in regards to the comments by the petitioner's counsel, it is confirmed that the  
31 proposal is in such a tentative state that it should be considered further. He said that the petitioner's council  
32 has stated that none of these six factors preclude us from designing or building an expansion that would fully  
33 satisfy *LaSalle*. Mr. Brown stated that as the Board knows, counsel's statement is in reference to *LaSalle*  
34 *National Bank of Chicago vs. Cook County*. He said that these are the basic factors used by Illinois courts to  
35 determine the validity of zoning ordinances yet the petitioner's counsel has failed to include in the argument  
36 two other factors that were added to the Standards of Review in 1960 via *Sinclair Pipeline Company vs.*  
37 *Richton Park* and these are community need for the proposed land use; and the care with which the  
38 community had undertaken to plan its land use development. He said that given omissions by counsel it is in  
39 the County's best interest to also consider the two latter additions which are relevant to this case. He said  
40 that the community need for the proposed land use is unnecessary as the need would best be served nearer  
41 the inner-city where infrastructure would best support the general welfare of the residents. He said that the  
42 care with which the community had undertaken to plan its land use development lies in the Board's hands  
43 and approval of a residential recovery center in the remoteness of a location away from most services, not

1 even a safe walking distance from the nearest grocery store, just doesn't make good sense.  
2

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

12 Mr. Brown thanked the Board for its time and urged each of the members to move against this request so that  
13 it does not go any further than tonight.  
14

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

17 Mr. Bluhm called Mr. Albert Willms to testify.  
18

19 Mr. Albert Willms, who resides at 2405 N. High Cross Road, Urbana stated that this is his first notice of this  
20 meeting because he did not receive anything about prior meetings or this meeting. He said that he has  
21 property adjacent to the church and the proposed recovery center. He said that his problems exist prior to the  
22 proposed recovery center therefore it is included in his remarks. He said that when the property housed the  
23 Pyramid Paper property problems were incurred in installing a septic field but at the time there were very  
24 few employees. He said that as far as he knows the septic field is still the same and a church only meets  
25 once or twice a week which would not be a problem but currently we are talking about a residential use of  
26 the property with upwards of 25 people on a 24/7 basis which would include the septic load. He  
27 recommended that the Public Health Department determine if the septic field is adequate for the group home  
28 and if not then changes would need to be made to the septic field which would impact the property behind  
29 the church. He said that currently during a heavy rain he receives drainage from the church property and the  
30 property to the west and that is not going to change but it may if there are more people on the property. He  
31 recommended that a detention pond be constructed if the property is changed in any way. He said that an  
32 additional issue which impacts his property is light pollution. He said that the church installed lights to  
33 illuminate the property and he has requested that the lights be changed to motion sensor lights or to redirect  
34 the lights and nothing has been done. He said that since a group home is being requested the lighting  
35 situation is not going to change but the lighting does impact his soybean crop every other year because they  
36 are sensitive to light and they continue to grow until he sprays weed killer on them so that they may be  
37 harvested. He said that he has never passed the cost of spraying on to the church but he does feel that if the  
38 church is going to go into different areas of use then it behooves him to charge them for the chemical and  
39 labor that is involved in spraying his crop. He said that he will be submitting a written protest regarding his  
40 concerns to the County Board.  
41

42 Mr. Bluhm asked the Board if there were any questions for Mr. Willms and there were none.  
43

1 Mr. Bluhm called Germaine Light to testify.

2  
3 Mr. Bluhm repeated his request that all testimony is to be in regard of the text amendment and not to a  
4 general site. He said that all immediate concerns regarding a particular site can be addressed during a public  
5 hearing for such site.

6  
7 Ms. Germaine Light, who resides at 2402 High Cross Road, Urbana, stated that she would not have known  
8 about the text amendment if it were not for her neighbor informing her of the hearing. She said that she and  
9 her neighbors did not receive notification of this public hearing and believes that they should have been  
10 notified.

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

13  
14 Ms. Light stated that one of her neighbors did receive notification of the public hearing.

15  
16 Mr. Bluhm stated that Mr. Brown received notification because there was confusion about the address of the  
17 Mr. Brown who testified at the last public hearing regarding the text amendment.

18  
19 Ms. Light urged the Board to vote against the text amendment. She said that it was questioned as to why this  
20 text amendment or use is only to be affiliated with a church. She asked if the project is receiving or applying  
21 for any government funding including federal, state, county or township. She said that if the project is  
22 receiving funding by government bodies is it ethical to be holding some sort of rehab center in a church if it  
23 is funded by public funds. She said that if it is not receiving government funding then is it ethical to have  
24 people rehabilitated in a church because the church could take advantage of rehab patients at a time when  
25 they are very vulnerable. She said that most people would agree that we would not want to have a public  
26 school held by public educators in a church since a public school is supported by tax funds. She said that  
27 children are very vulnerable and they shouldn't be influenced by one religion over another just because their  
28 public school is housed in a church. She requested that the Board investigate housing the use in other  
29 locations rather than in just a church. She thanked the Board and requested that they vote against the  
30 amendment.

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

33  
34 Mr. Bluhm called Gene Vanderport to testify.

35  
36 Mr. Gene Vanderport, who resides at 2402 N. High Cross Road, Urbana, stated that one of the issues that are  
37 central to zoning decisions is whether or not those projects for which the zoning changes are made are in fact  
38 sustainable. He said that he has been active for the last 40 years in non-profit organizations, the public sector  
39 and public education and at this time we are witnessing a massive downsizing of similar kinds of programs  
40 and projects no matter how well meaning they may be. He said that he is concerned about funding sources  
41 and whether or not there are constant revenue streams to keep the project going recognizing that if funding  
42 sources are not adequate then downsizing will occur. He said that a typical symptom of downsizing in  
43 Champaign County and other adjacent counties is reduced supervision and decreasing access to professional

1 services. He said that what nobody needs anywhere right now is yet another empty building that at one time  
2 had a very good purpose.

3  
4 Mr. Vanderport stated that a corollary question that he has is if clients are referred by legal entities and /or  
5 courts, by other social agencies, by educational entities, institutions, non-profits or other churches or is it a  
6 more volatile self-supporting program based on an already glutted market for services such as landscaping or  
7 yard work. He said that the answers to the questions regarding funding sources will help answer the question  
8 about whether the program can be sustainable over the long haul and will also help identify liability issues if  
9 they should go awry.

10  
11 Mr. Bluhm asked the Board if there were any questions for Mr. Vanderport and there were none.

12  
13 Mr. Bluhm called David Rogers to testify.

14  
15 Mr. David Rogers, who resides at 1802 N. Concord Lane, Urbana, stated that he is the Pastor of the  
16 Apostolic Church and the Director of Lifeline Connect. He thanked the Board for the opportunity to present  
17 testimony and realizes that this is a hearing for a text amendment. He said that he would like to speak in  
18 support of the proposed text amendment and refer to a facility which is located in the AG-2 District that is  
19 currently in operation and provides the type of use that would be allowed if the proposed amendment is  
20 approved. He said that according to the United States Substance Abuse and Mental Health Service  
21 Administration 1 in 8 Americans has a significant problem with alcohol or drugs. He said that  
22 approximately 27 million Americans either use illicit drugs regularly or are heavy alcohol drinkers and of  
23 these nearly 16 million are estimated in need for immediate treatment. He said that chemical dependency  
24 along with associated mental health disorders has become one of the most severe health and social problems  
25 facing the United States of America. He said that chemical dependency and all the associated social woes  
26 has become one of the most significant problems in our community and in Champaign County.

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

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

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

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

Mr. Bluhm informed Mr. Webber and the audience that the Board must only accept testimony as a generality in this case and if this case is approved and moved forward there will be a time and place for particular comments regarding a certain site. Mr. Bluhm stated that he understands that Mr. Rogers has some insight on how a treatment center is operated and what it can do but he would rather his comments not be geared towards his particular facility. He said that he will accept comments as to how such a facility can enhance the community but the comments must not be related to a specific recovery center. He said that he also understands that site specific comments would be a great addition but currently the Board is reviewing the general scope of such a use and whether or not it should be allowed. He said that there will be a time for specific comment regarding a particular site but now is not that time.

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

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

Mr. Bluhm called Brenda Rogers to testify.

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

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

1 Mr. Chris Doxstator, who resides at 2107 N. High Cross Road, Urbana, stated that he has been in the  
2 program for 2-1/2 months and he cannot begin to tell the Board what the program has done for him. He said  
3 that the program has completely changed his life because alcohol was his drug of choice and he drank up to  
4 ½ gallon per day. He said that prior to coming to the program he was an electrician for 15 years and those  
5 who are opposed to such a program are obviously blessed to not have had a family member, loved one or  
6 close friend not affected by substance abuse. He said that he does not understand someone’s lack of  
7 understanding for such a program because it has transformed his life. He said that he has two daughters who  
8 are 11 and 14 and he has not had a drink since August 3, 2009, and his relationship with his family has  
9 improved. He said that he has a whole new group of friends in Champaign-Urbana and he would encourage  
10 the Board to vote in favor of the amendment because there is such a desperate need for such a program and if  
11 not here then where should it be.

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

14  
15 Mr. Bluhm called Mr. Leslie Cotton to testify.

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

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

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

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

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

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

1 Board pass the proposed amendment.

2  
3 Mr. Bluhm asked the Board if there were any questions for Mr. Branson and there were none.

4  
5 Mr. Bluhm called Thomas Martin to testify.

6  
7 Mr. Thomas Martin, who resides at 1721 Cindy Lynn St, Urbana, stated that he is in favor of the proposed  
8 amendment. He said that he was a resident in a rehabilitation program such as this for approximately two  
9 years. He said that before he entered the program his life was a wreck and he had no purpose other than to  
10 get high on meth, marijuana, and prescription pills. He said that a program like this has changed his life and  
11 he has been clean for 2-1/2 years and he has a life of purpose, structure and discipline.

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

14  
15 Mr. Bluhm called John Grubb to testify.

16  
17 Mr. John Grubb, who resides at 1902 Shelly Court, Urbana, stated that he lives in the Richardson Estates  
18 Subdivision which is approximately two blocks away from the facility. He said that he has resided at this  
19 location for over ten years and he and his wife walk along High Cross Road and their neighborhood and he  
20 can say without any reservation that they feel safe. He said that he feels as safe now as when he moved in  
21 and he is in favor of the facility and he applauds the young men who are willing to sign a one year  
22 commitment and get off drugs and the streets. He said that it is the very, very least that that we can do, those  
23 who have not been addicted and are blessed to grow up in a non-addictive family, to help other people and  
24 he is disappointed in some of his neighbors who are willing to speak out and against such a facility. He said  
25 that he is more concerned about the pesticides that are being placed on the fields than he is concerned about  
26 this type of facility in his area because he has seen first hand how it can change lives. He said that America  
27 needs to stand up and help one another because it is a brotherhood from sea to shining sea not me, me, and  
28 me. He said that it is us we better get it together and help some of these people get off of the streets. He said  
29 that some of the graduates are getting their lives back personally and with their families and they are working  
30 along side of everyone else and it would not be known that they had such a problem.

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

33  
34 Mr. Bluhm called Mr. Randy Brown to testify.

35  
36 Mr. Randy Brown, who resides at 1183 CR 2300E, Sidney stated that he would like to thank the Board for  
37 their consideration of the proposed text amendment. He said that he also appreciates the Board's  
38 consideration of amending the current things that govern our county that would possibly allow a church or  
39 synagogue to help people that desire to seek and achieve recovery from substance abuse. He said that when  
40 they were in the beginning stages of creating a facility at his church he visited many facilities across the  
41 United States therefore he can speak in general terms as to how these types of facilities are working. He said  
42 that it has been asked why a church is an ideal location for such a facility. He said that the reason why a  
43 church community works so well in recovery is not just due to the spiritual aspect, although it is his belief

1 that there are a lot of spiritual things that has to do with it and he also believes that he serves a God that is a  
2 delivering God, but for a man or woman to achieve recovery they have to have a whole new support system.  
3 He said that a person in recovery has to learn a whole new way of dealing with life and dealing with life  
4 issues and the main thing that a man or woman in a recovery program has to learn to deal with is  
5 relationships because they have no idea how to navigate life and relationships. He said that one of the key  
6 things is to teach the resident how to have healthy relationships and what better place than a place where  
7 people want to have healthy relationships with them and they can mentor them and love them and bring them  
8 to a place of recovery. He said that he does not know or understand all of the legal jargon but he can tell the  
9 Board that this type of recovery center works because it provides the key elements of recovery and it marries  
10 the secular to the spiritual. He said that when you have the dynamics of the type of facility that is being  
11 considered you are not just throwing a bunch of tools at people but creating a way of life for them to begin  
12 using those tools for an extended period of time in a controlled, sober and safe environment. He said that  
13 this is not just a controlled, sober and safe environment for the residents but also for the community as well.  
14 He said that he realizes that Mr. Randall Brown does not know him but if he did not believe that all of this is  
15 true he could not stand before all of these people tonight with a clear conscious and recommend this for the  
16 community if he believed it would endanger it.

17  
18 Mr. Brown stated that approximately 18 years ago he began ministry and for at least 17 years he has been  
19 involved in trying to aid men find recovery in their lives from substance abuse. He said that the stigma that  
20 goes along with drug addicts and alcoholics is common but as a general rule this is not what his organization  
21 is dealing with and the residents come from all walks of life and all kinds of homes. He said that there is an  
22 epidemic of folks who are just hooked on prescription medication and our kids are being hooked on  
23 prescription medication. He said that the term “these people” strikes a cord in of emotion in him because he  
24 cannot figure out who the term “these people” is referring to because it sounds like we are talking about a  
25 leper colony that should be put in a landfill. He said that everyone agrees that something should be done but  
26 they don’t want it in their back yard. He said that people who desire recovery do not belong in a landfill but  
27 do deserve the opportunity to recover. He said that he doesn’t want to give the impression that the facility is  
28 bug light to drug addicts in the community but are ministering to people that are already in the community  
29 and programs like this do that. He said that the facility has worked with people for a number of years and  
30 struggled with almost no success because they could not provide a safe and sober environment in order for  
31 people to receive recovery and they have dealt with people within the close proximity of their location. He  
32 said that recovery centers are already dealing with people with substance abuse issues in their direct vicinity  
33 and one option that a recovery center of this type could have would be an encouragement to get housing  
34 together in the direct community and just attend classes at the church with no supervision. He said that his  
35 organization believed that it would be a far better approach to be able to control the environment therefore  
36 they adopted, like many other facilities across the United States, a 24/7 supervision with weekly drug testing.

37  
38 Mr. Brown stated that in working with alcoholics and drug addicts for approximately 17 years and he can say  
39 one thing for sure and that is that you can’t work with alcoholics and drug addicts unless they desire recovery  
40 in their lives and leave those things behind them while seeking recovery. He said that this is the kind of  
41 person that is attracted to a program of this nature and not someone who is actively involved in drug use. He  
42 said that personally he had a father who was a cocaine addict therefore his first exposure to drugs were the  
43 drugs that his father gave him. He thanked the Board for considering the proposed text amendment because

1 something needs to be done and it can be argued about where it is going to happen but in some shape or form  
2 it needs to happen within our community.

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

5  
6 Mr. Bluhm asked Mr. Brown if a person is incarcerated or it is part of a deal with the courts that he has to  
7 enroll in a program does the facility accept such a person and if so, does the recovery work as well for that  
8 person as it would for someone who is outside of that realm.

9  
10 Mr. Brown stated that when a person is court mandated which is a court sentence that is usually only  
11 associated to their drug abuse problem which may be drug possession, paraphernalia charge or drug  
12 trafficking charge and is not a violent offender a possible scenario would be for a judge to convict the person  
13 but suspend the sentence if they would voluntarily agree to enroll in a house of recovery of some sort. He  
14 said that as a general rule they have so many applicants that are totally voluntary that they do not have to sift  
15 through motives and very rarely accept court mandated people. He said that their facility has only had one  
16 person who was believed to be court mandated but later discovered that he was not. He said that generally  
17 speaking they believe that a person is a good candidate if they are not court mandated.

18  
19 Mr. Bluhm called Mr. R.J. Eaton to testify.

20  
21 Mr. R.J. Eaton, who resides at 2107 High Cross Road, Urbana, thanked the Board for considering the  
22 proposed text amendment. He said that he is the Director of Operations at a residential recovery center and  
23 as such he lives on campus with the residents. He said that he facilitates daily schedules and drug testing and  
24 the men are 100% accountable to him 24 hours per day, seven days per week. He said that if a residential  
25 recovery center was unsafe for the community then he and his wife would not reside at the residential  
26 recovery center.

27  
28 Mr. Bluhm asked the Board if there were any questions for Mr. Eaton and there were none.

29  
30 Mr. Bluhm called Mr. Randy Roberts to testify.

31  
32 Mr. Randy Roberts, who resides 4210 East Airport Road, Urbana, stated that he is a life long resident of  
33 Champaign County, a business owner and a Rotarian. He said that he would trust the Board to protect his  
34 interests as a property owner and he urged the Board to approve the proposed text amendment. He said that  
35 he sees no red flags because each request for such a facility would require a special use permit therefore it  
36 would be scrutinized and the thoroughness that this Board has shown this evening is very impressive. He  
37 said that it was indicated in previous testimony that no one wants this type of facility in their back yard  
38 although he does have an empty lot behind his home and he would welcome such a facility. He said that he  
39 does have three children which range between 8 and 12 years in age and he would have no issues which such  
40 a facility near his property. He said he has not seen anyone else lining up to request such a facility other than  
41 a church therefore why not have the use attached to a church.

42  
43 Mr. Bluhm asked the Board if there were any questions for Mr. Roberts and there were none.

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Mr. Bluhm called Carl Webber to testify.

Mr. Carl Webber, attorney representing the Apostolic Life UPC Church and Lifeline Connect Ministry, stated that he would like to clear up a few details but he does not intend to attempt to match any previous testimony. He said that he respects Mr. Coble’s opinions but he does not know if Mr. Coble is aware that the facility has been ongoing for four years and to his knowledge there haven’t been any complaints filed throughout those four years. He said that the facility is not a meth facility and the facility that Mr. Coble was discussing was a meth facility. He said that in listening to the gentlemen that have been part of this organization it would not be expected to find them causing trouble in the neighborhood or the woods. He said that Mr. Randall Brown discussed the issue of “spot zoning” and when such is discussed it has to be applicable to only one site and that is not the case as indicated by staff. He said that as a practical matter there are not very many sites that are applicable for such a facility in the County that may qualify but if they do they would be allowed to request the use. He said that he could cite dozens of laws that are passed by the legislature and all that they address is communities of over 2 million people. He said that he and Mr. Hall have agreed to disagree as to whether this is an “accessory use” because he strongly believes that it is an “accessory use” and he also understands that if it is looked upon as an “accessory use” it makes things much more complicated. He said that he also believes that the Fair Housing Act, as amended, addresses housing for disabled persons and specifically states that people who are addicted or on drugs or on alcohol at the time are disabled but in order to address facilities just like this it indicates that people who are in a recovery facility and are not on drugs are disabled. He said that the reason for this is so that a facility like this allows people who are trying to voluntarily trying to get themselves back in shape are not discriminated against. He said that there has been some concern about a criminal element and he can only suggest that the proof is in the pudding because the facility has been in existence for four years and there have been no problems and if there have been any the organization would address them. He said that the requirement for drainage is indeed an issue that should be addressed and he would suggest that it should be addressed in any application. He said that it is unlikely to be a problem because at the most a very small facility will be constructed and if these facilities typically do not allow their residents to have cars there would be no expansion of the parking lot therefore the total addition of an impervious surface is going to be very minor.

Mr. Webber stated that there was some discussion about the possibility of a cultural shift. He said that he would suggest that there has not been a cultural shift in the last four years in the area and that the only cultural shift that has been found in that area is that we have gone from an industrial and retail area, in an area where this use might have been done, a facility would have taken a location where it may have had earlier a much more intensive use than the current use. He apologized for not being able to follow the suggestion about the natural resources not being affected but he would be glad to speak with the gentleman about this issue at any time and try to address it. He said that there are no examples of blight being caused in a particular location and if there were he would like to address any concerns. He said that there was reference in his letter, which was attached to the Supplemental Memorandum dated June 11, 2010, to his being tentative. He said that at the time when we had our last discussion they were asked if, under the statute, they considered themselves as a recovery home. He said that they didn’t know if they might be considered a recovery home but as it so happens they now believe that they are and are in the process of filing an application for that approval. He said that there were two other factors that were discussed tonight

1 in regards to LaSalle and Sinclair and to the extent that Sinclair applies there is the issue of community need  
2 and Pastor Rogers and several others addressed the community need for such a facility in this area. He said  
3 that as to the question of addressing the issue he would suggest that the Board is being very careful.  
4

5 Mr. Webber stated that there was a question regarding the existing septic field and this is an issue which  
6 should be addressed during the special use permit application for a particular site and if there is any issue  
7 with the existing septic field then the petitioners will need to correspond with their neighbors. He said that  
8 because of the suggestion that the facilities are to be limited to 10% of the size of the church many things  
9 will be come fairly minor and he does understand that they do need to be addressed. He said that since the  
10 issue of lights at a particular location was addressed he would like to say that after a discussion with Mr.  
11 Willms it was discovered that the facility cut the lights in half hoping that it would be sufficient although  
12 they haven't heard anything since. He said that if cutting the lights in half is not sufficient then he would  
13 like to further discuss the issue with Mr. Willms.  
14

15 Mr. Webber stated that there was a question as to why link this use to only churches and while he would  
16 personally rather not have this use limited to churches it appears that a church is the only interested party at  
17 this time for this type of facility. He said that there are no public funds for the current facility.  
18

19 Mr. Bluhm requested that Mr. Webber voice his comments in general and not site specific.  
20

21 Mr. Webber stated that since there were comments made regarding public funding he thought that he should  
22 address those comments but if the Board has determined that the previous comments were irrelevant then he  
23 will not go any further. He stated that there was a comment that a facility such as this is not sustainable but  
24 he would suggest that the way in which the text amendment has been suggested by being 10% of the size of  
25 the church means that the church being 10 times the size of the facility it is going to be able to handle it and  
26 continue it properly. He said that he was not able to follow the discussion where it was suggested that  
27 facilities like this were involved in a glutted market. He said that he believes that the market for the need of  
28 this type of facility is in deed not glutted. He said that he had previously mentioned to the Board that over 10  
29 years ago a Chief Judge of the Circuit Court had indicated to him that we are losing the war on drugs. Mr.  
30 Webber stated that the Chief Judge was so dejected that he didn't quite know who he was speaking to  
31 because the Judge felt so strongly that we were losing. Mr. Webber stated that he hopes that a facility like  
32 this will help us turn that around just a little bit.  
33

34 Mr. Bluhm asked the Board if there were any questions for Mr. Webber and there were none.  
35

36 Mr. Bluhm asked the audience if anyone desired to sign the witness register at this time to present testimony  
37 regarding Case 668-AT-10 and there was no one.  
38

39 Mr. Bluhm closed the witness register.  
40

41 Mr. Bluhm asked the Board if there were any questions or comments for Mr. Hall.  
42

43 Mr. Bluhm asked Mr. Hall if the voluntary client versus a court mandated client should be considered in the

1 text amendment.

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

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

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

21  
22 Mr. Courson stated that additional parking may not be required if only 10% can be added.

23  
24 Ms. Capel stated that may be true at a particular site but not everywhere that the use will be allowed.

25  
26 Mr. Thorsland stated if it falls under the licensing requirement then there will be mandatory employee  
27 parking and he is not aware if that parking will be in addition or included in the existing.

28  
29 Mr. Hall stated that if staff sees a maximum recovery center we would expect it to have at least one space for  
30 each resident and one space for each employee therefore we would be anticipating 27 parking spaces. He  
31 said that 27 spaces would be a lot of parking therefore he would recommend to include it as an exception and  
32 the Board can always over ride it in the context of a particular special use and then someone would not have  
33 to request a variance. He said that it would be foolish to do this amendment and end up with someone  
34 possibly having to obtain a variance when staff knew from the beginning that it was not expected for the  
35 facility to provide that much parking. He said that this was not included in the legal advertisement but this is  
36 a minor change and should not be a problem.

37  
38 Mr. Bluhm asked Mr. Hall if the additional parking was included as an exception is there language indicating  
39 that no automobiles are allowed for the residents.

40  
41 Mr. Hall stated that it is not a current condition but it could be included.

42  
43 Mr. Courson stated that if Mr. Bluhm is referring to a specific facility then it is not an issue because they do

1 not allow the residents to have automobiles. He said that the Board has to be careful not to be site specific.

2  
3 Mr. Randy Brown stated that he had visited other facilities that did not allow automobiles for the residents.

4  
5 Mr. Courson stated that it is possible that not all of the facilities will prohibit the residents from having  
6 automobiles.

7  
8 Mr. Hall stated that this use is only being proposed to be authorized in the AG-2 District therefore does the  
9 Board desire a facility in the AG-2 District which has vehicles for each occupant. He said that it is more  
10 defensible if the Board purposely does not allow vehicles for the residents.

11  
12 Mr. Courson stated that he agrees but it should not be just for a specific site but for all sites.

13  
14 Mr. Hall stated that staff could put the exception in Section 7 and if someone wanted to do something  
15 different they would need to apply for a variance and prove to the Board that they are still going to comply  
16 with all of the policies even though they are going to have 25 more vehicles on the site.

17  
18 Mr. Courson asked Mr. Hall why new churches could not have such a facility when it has been stated time  
19 and time again during this hearing that there is a need for this type of facility in the community. He said that  
20 it would make sense to have a current up-to-date building for this type of service.

21  
22 Mr. Hall stated that staff is trying to write an ordinance that creates the fewest conflicts with municipal  
23 ordinances and they do not allow things like this in their districts that are comparable to AG-2. He said that  
24 the only way that the County can be defensive, preserving best prime farmland and creating the fewest  
25 problems for the ZBA and the County Board is to comply with what the cities already have. He said that the  
26 church in which the facility is proposed must have existed prior to the adoption of the Zoning Ordinance  
27 which was October 10, 1973. He said that staff is not approaching this ordinance in an entrepreneurial way  
28 to rule out as many of these things a possible and there has only been one request received for a facility of  
29 this type. He said that if we ended up with an ordinance that would only make that one facility possible then  
30 that is what should be done. He said that if the County Board believes that this is a wonderful use and that it  
31 should be allowed in every church in the County and are willing to fight with the municipalities over this use  
32 then the ordinance could be written as such.

33  
34 Ms. Capel asked Mr. Hall if another recovery center was applied for at a location built after October 10,  
35 1973, could they apply for a variance.

36  
37 Mr. Hall stated that is a standard condition and it is just a waiver therefore it is not iron clad.

38  
39 Mr. Knight stated that it is actually a footnote in 5.2 therefore it is iron clad and would be an issue for the  
40 Board.

41  
42 Mr. Hall stated that Mr. Knight is correct therefore a variance would not be allowed.

43

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

5  
6 Mr. Hall asked the Board if they desired to keep it iron clad or a standard condition subject to waiver.

7  
8 Ms. Capel stated that not always but in this case she likes the standard condition option.

9  
10 Mr. Courson stated that he agrees with Ms. Capel and the Board should accommodate the need.

11  
12 Mr. Bluhm stated that if this is the feeling of the Board then a standard condition subject to waiver would be  
13 the way to go because it would be site specific and each case would stand on its own.

14  
15 Mr. Hall stated that the Board previously indicated that they desired to add back in the cap of a limit of 25  
16 residents.

17  
18 Mr. Bluhm requested a continuance date for Case 668-AT-10.

19  
20 Mr. Hall stated that he would like to see this case continued to July 15, 2010. He said that this case should  
21 be placed ahead of Case 666-AT-10 because there are no petitioners waiting on Case 666-AT-10 to be  
22 completed although there is one petitioner awaiting the recommendation for Case 668-AT-10. He said that it  
23 is his hope that the Board can take final action in July so that Case 668-AT-10 could move forward to the  
24 County Board in August.

25  
26 **Ms. Capel moved, seconded by Mr. Thorsland to continue Case 668-AT-10 to July 15, 2010. The**  
27 **motion carried by voice vote.**

28  
29 **6. New Public Hearings**

30  
31 None

32  
33 **7. Staff Report**

34  
35 None

36  
37 **8. Other Business**  
38 **A. May, 2010 Monthly Report**

39  
40 Mr. Hall distributed the May, 2010 Monthly Report to the Board for review.

41  
42 The Board indicated that there were no anticipated absences for the July 15<sup>th</sup> meeting.

43

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

2  
3 None

4  
5 10. Adjournment

6  
7 The meeting adjourned at 9:48 p.m.

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9  
10 Respectfully submitted

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14  
15 Secretary of Zoning Board of Appeals

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Champaign  
County  
Department of



Brookens  
Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708

## **CASE NO. 665-AT-10**

**SUPPLEMENTAL MEMORANDUM**

**July 9, 2010**

**Petitioner: Zoning Administrator**

Prepared by: **John Hall**  
Zoning Administrator  
**J.R. Knight**  
Associate Planner

**Request: Amend the Champaign County Zoning Ordinance by revising paragraph 4.3.3 G. as follows:**

- A. Increase the maximum fence height allowed in side and rear yards from six feet to eight feet for fences in Residential Zoning Districts and on residential lots in the AG-1 and AG-2 Zoning Districts.**
- B. Require all fencing that is in the front yard and that is higher than four feet tall to be at least 50% transparent in Residential Zoning Districts and on residential lots in the AG-1, AG-2, and CR Zoning Districts.**
- C. Increase the maximum allowed height of all fencing to allow for up to three inches of ground clearance.**

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### ***STATUS***

This is the fourth meeting for this case. It was continued from the May 27, 2010, public hearing. Staff does not anticipate requesting final action at the meeting to allow the Board more time to discuss Case 668-AT-10.

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Champaign  
County  
Department of



Brookens  
Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708

## **CASE NO. 666-AT-10**

**SUPPLEMENTAL MEMORANDUM**

**July 9, 2010**

**Petitioner: Zoning Administrator**

Prepared by: **John Hall**  
Zoning Administrator  
**J.R. Knight**  
Associate Planner

**Request: Amend the Champaign County Zoning Ordinance by revising Subsection 6.1 and paragraph 9.1.11 D.1. to clarify that the standard conditions in Subsection 6.1 which exceed the requirements of Subsection 5.3 in either amount or kind are subject to waiver by the Zoning Board of Appeals or County Board.**

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### ***STATUS***

This is the second meeting for this case. It was continued from the March 25, 2010, public hearing. Staff does not anticipate requesting final action at the meeting to allow the Board more time to discuss Case 668-AT-10.

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# CASE NO. 668-AT-10

SUPPLEMENTAL MEMORANDUM

July 9, 2010

Petitioner: **Zoning Administrator**

Champaign  
County  
Department of

**PLANNING &  
ZONING**

Brookens

Administrative Center

1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708

Prepared by: **John Hall**  
Zoning Administrator  
**J.R. Knight**  
Associate Planner

Request: **Amend the Champaign County Zoning Ordinance as follows:**

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

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## STATUS

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

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

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

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

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

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**POSSIBILITY OF MUNICIPAL PROTEST**

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

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

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

**SCOPE OF AMENDMENT**

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

**ATTACHMENTS**

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

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

**ATTORNEYS AT LAW**

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July 2, 2010

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

Mr. John Hall, Director,  
Department of Planning and Zoning  
Brookens Administrative Center  
1776 E. Washington St.  
Urbana, IL 61802

RECEIVED

JUL 03 2010

CHAMPAIGN CO. P & Z DEPARTMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

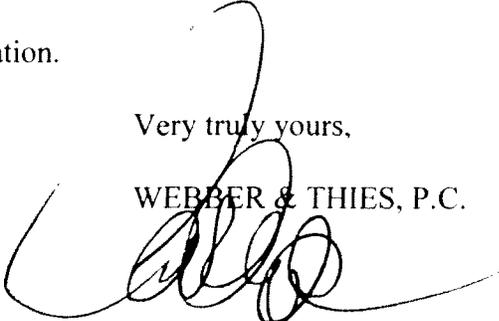
As was shown by the testimonials at the recent hearing, the need for such facilities comes from all walks of life and all economic backgrounds. These facilities are not populated by persons from any particular part of town. The need for facilities like Lifeline-Connect is not a characteristic of only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

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

Thank you all for your time and consideration.

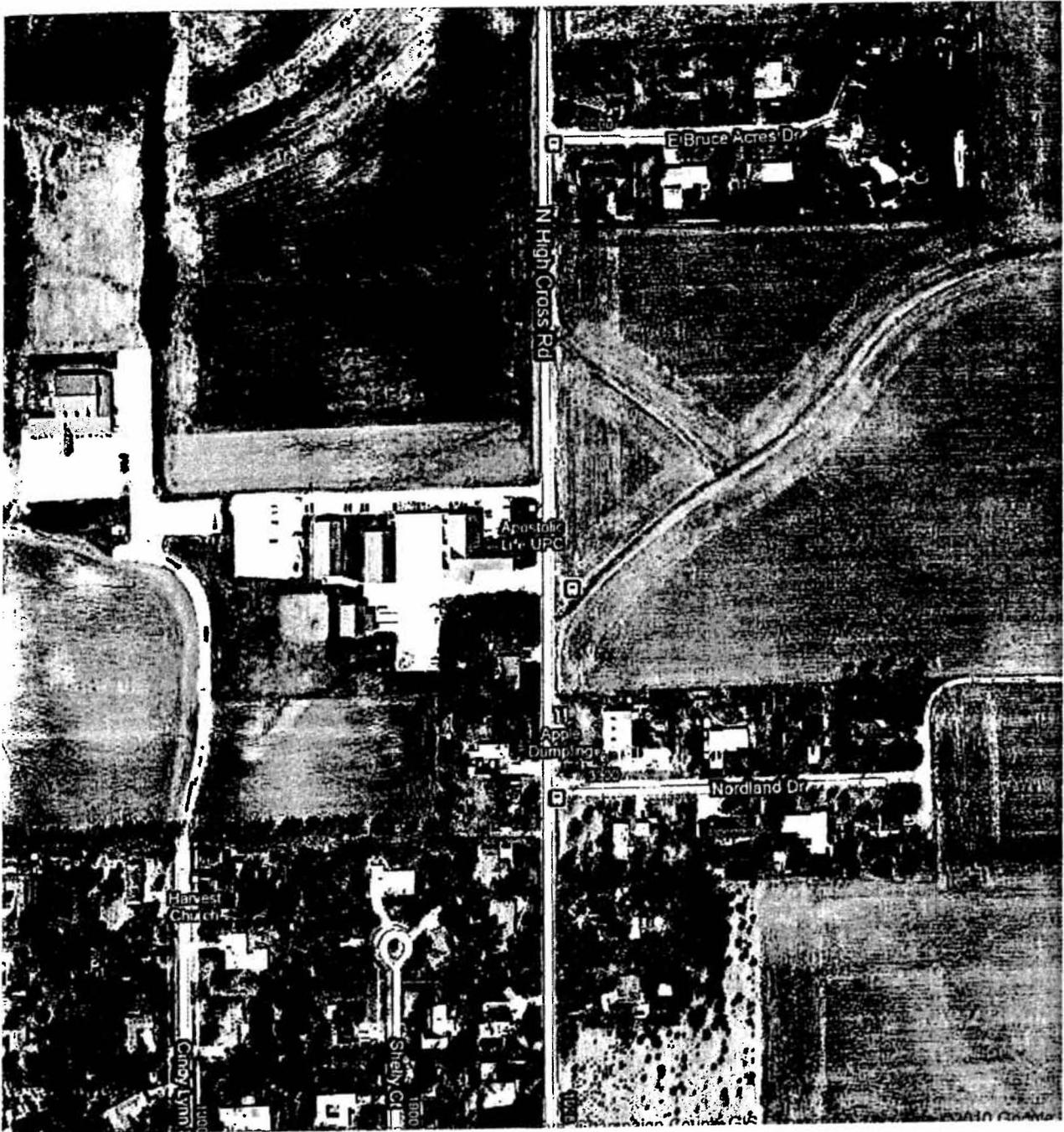
Very truly yours,

WEBBER & THIES, P.C.



Carl M. Webber

Enc. Aerial of the Apostolic Church area





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## REPORT TO PLAN COMMISSION

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

**DATE:** July 2, 2010

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

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

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

**C. Summary:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**E. Alternatives:**

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

**F. Discussion of Alternatives:**

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

**a. Advantages**

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

**b. Disadvantages**

- None

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

**a. Advantages**

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

**b. Disadvantages**

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

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

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

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

Prepared by:

Rob Kowalski, AICP  
Assistant Planning Director

Attachments:

**Attachment “A”**

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

**Attachment “B”**

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

**Attachment “C”**

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

**Attachment “D”**

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

**DASA LICENSED SITES SORTED BY COUNTY/CITY/TOWNSHIP- CCA/PROGRAM NAME**

<i>COUNTY</i>	<i>LICENSE ADDRESS</i>	<i>LICENSE SERVICES</i>
CASS	<p>CASS COUNTY MENTAL HEALTH ASSOCIATION 121 EAST SECOND STREET  BEARDSTOWN IL 62618 217-323-2980 CATES, DONALD I-SATS: IL 750050 GEOCode 00903 Township- CCA: BEARDSTOWN</p>	<p>LEVEL I ADULT OUTPATIENT LEVEL I ADOLESCENT OUTPATIENT LEVEL II ADULT IOP LEVEL II ADOLESCENT IOP DUI EVALUATION DUI RISK EDUCATION</p>
CHAMPAIGN	<p>ALLISON &amp; LAWYER COUNSELING SERVICES, P.C. 2917 CROSSING CT. SUITE B2 CHAMPAIGN IL 61822 217-352-5533 LAWYER, TONYA I-SATS: IL 102648 GEOCode 01004 Township- CCA: CHAMPAIGN CITY</p>	<p>LEVEL I ADULT OUTPATIENT LEVEL I ADOLESCENT OUTPATIENT LEVEL II ADULT IOP LEVEL II ADOLESCENT IOP DUI EVALUATION DUI RISK EDUCATION</p>
	<p>KATHI CULLOP, DBA ACCENT COUNSELING, LLC 1207 S. MATTIS AVE. STE 4 CHAMPAIGN IL 61821 217-398-8067 CULLOP, KATHI I-SATS: IL 103035 GEOCode 01004 Township- CCA: CHAMPAIGN CITY</p>	<p>LEVEL I ADULT OUTPATIENT DUI EVALUATION DUI RISK EDUCATION</p>
	<p>MENTAL HEALTH CENTER OF CHAMPAIGN COUNTY / TIMES 70 E. WASHINGTON ST.  CHAMPAIGN IL 61820 217-398-7785 FERGUSON, SHEILA I-SATS: IL 104083 GEOCode 01004 Township- CCA: CHAMPAIGN CITY</p>	<p>LEVEL I ADULT OUTPATIENT LEVEL I ADOLESCENT OUTPATIENT</p>

**DASA LICENSED SITES SORTED BY COUNTY/CITY/TOWNSHIP- CCA/PROGRAM NAME**

<i>COUNTY</i>	<i>LICENSE ADDRESS</i>	<i>LICENSE SERVICES</i>
CHAMPAIGN	<b>PRAIRIE CENTER - CHAMPAIGN</b>  122 W. HILL ST. P.O. BOX 1397 CHAMPAIGN IL 61820 - 3519 217-356-7576 SUARDINI, BRUCE I-SATS: IL 900010 GEOCode 01004 Township- CCA: CHAMPAIGN CITY	<b>LEVEL I ADULT OUTPATIENT</b> <b>LEVEL II ADULT IOP</b>
	<b>PRAIRIE CENTER - CHAMPAIGN</b>  122 W. HILL ST. P.O. BOX 1397 CHAMPAIGN IL 61820 - 3519 217-356-7576 SUARDINI, BRUCE I-SATS: IL 900010 GEOCode 01004 Township- CCA: CHAMPAIGN CITY	<b>L III ADULT INPATIENT SUBACUTE</b> <b>LEVEL III ADULT RES. EXT. CARE</b> <b>DETOX MEDICALLY MONITORED ADULT</b>
	<b>ALCOHOL / CHEMICAL EVALUATION SERVICES, DBA</b> <b>217 N. BROADWAY AVE.</b>  URBANA IL 61801 - 2706 217-344-2671 DRIVER-DIXON, LORI I-SATS: IL 104063 GEOCode 01030 Township- CCA: CUNNINGHAM	<b>LEVEL I ADULT OUTPATIENT</b> <b>LEVEL I ADOLESCENT OUTPATIENT</b> <b>LEVEL II ADULT IOP</b> <b>LEVEL II ADOLESCENT IOP</b> <b>DUI EVALUATION</b> <b>DUI RISK EDUCATION</b>
	<b>CARLE ADDICTION RECOVERY CENTER</b> <b>204 UNIVERSITY AVE.</b>  URBANA IL 61801 - 1741 217-383-6039 SMITH, LINDA I-SATS: IL 102843 GEOCode 01030 Township- CCA: CUNNINGHAM	<b>LEVEL I ADULT OUTPATIENT</b> <b>LEVEL I ADOLESCENT OUTPATIENT</b> <b>LEVEL II ADULT IOP</b> <b>LEVEL II ADOLESCENT IOP</b> <b>DUI EVALUATION</b> <b>DUI RISK EDUCATION</b>

**DASA LICENSED SITES SORTED BY COUNTY/CITY/TOWNSHIP- CCA/PROGRAM NAME**

<i>COUNTY</i>	<i>LICENSE ADDRESS</i>	<i>LICENSE SERVICES</i>
CHAMPAIGN	<b>PRAIRIE CENTER HEALTH SYSTEMS, INC. / URBANA 718 KILLARNEY AVE.</b>  <b>URBANA IL 61801 - 1015</b> <b>217-328-4500</b> <b>SUARDINI, BRUCE</b> <b>I-SATS: IL 101320</b> <b>GEOCode 01030</b> <b>Township- CCA: CUNNINGHAM</b>	<b>LEVEL I ADULT OUTPATIENT</b> <b>LEVEL I ADOLESCENT OUTPATIENT</b> <b>LEVEL II ADULT IOP</b> <b>LEVEL II ADOLESCENT IOP</b> <b>DUI EVALUATION</b> <b>DUI RISK EDUCATION</b>
	<b>T.A.S.C., INC. AREA 06</b>  <b>116 W. MAIN ST.</b>  <b>URBANA IL 61801</b> <b>217-344-4546</b> <b>FESMIRE, ROY</b> <b>I-SATS: IL 106477</b> <b>GEOCode 01009</b> <b>Township- CCA: URBANA</b>	<b>DESIGNATED PROGRAM</b>
CHRISTIAN	<b>NEW HORIZONS SUBSTANCE ABUSE COUNSELING AGENCY</b> <b>104 OAK ST.</b> <b>STE B, PO BOX 153</b> <b>PANA IL 62557</b> <b>217-562-5151</b> <b>CROWE, AISHA Y.</b> <b>I-SATS: IL 104502</b> <b>GEOCode 01100</b> <b>Township- CCA:</b>	<b>LEVEL I ADULT OUTPATIENT</b> <b>LEVEL I ADOLESCENT OUTPATIENT</b> <b>LEVEL II ADULT IOP</b> <b>LEVEL II ADOLESCENT IOP</b> <b>DUI EVALUATION</b> <b>DUI RISK EDUCATION</b>
	<b>CIVIGENICS - TAYLORVILLE CORRECTIONAL CENTER</b> <b>ILLINOIS ROUTE 29 SOUTH</b> <b>P.O BOX 1000</b> <b>TAYLORVILLE IL 62568 - 0001</b> <b>217-824-4004</b> <b>BRYANT, STEVEN C.</b> <b>I-SATS: IL 103686</b> <b>GEOCode 01100</b> <b>Township- CCA:</b>	<b>LEVEL I ADULT OUTPATIENT</b> <b>LEVEL II ADULT IOP</b>

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

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

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

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

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

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

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

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

(~~Strikeout~~ indicates text proposed to be removed.)

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

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

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

SPECIAL USES or USE Categories	Minimum Fencing Required <sup>6</sup>	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions	
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline <sup>2</sup>			SIDE	REAR		
						STREET Classification						
		MAJOR	COLLECTOR	MINOR								
	(1)	See #3. below	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
RESIDENTIAL RECOVERY CENTER in the AG-2 DISTRICT in accordance with Section 5.2		<ol style="list-style-type: none"> <li>1. The proposed RESIDENTIAL RECOVERY CENTER must be located as follows:                             <ol style="list-style-type: none"> <li>a. The subject property must be served by public transportation; and</li> <li>b. <u>The associated church or temple must occupy a building which predominantly existed on October 10, 1973.</u></li> </ol> </li> <li>2. The maximum number of residents allowed at one time shall be <u>the smaller of the following numbers</u>:                             <ol style="list-style-type: none"> <li>a. <del>no more than</del> 10% of the maximum occupancy of the main worship area of the associated church or temple; <u>or</u></li> <li>b. <u>25.</u></li> </ol> </li> <li>3. The minimum required lot area shall be:                             <ol style="list-style-type: none"> <li>a. 20,000 square feet if served by a connected PUBLIC SANITARY SEWER SYSTEM; or</li> <li>b. 30,000 square feet plus 7,000 square feet per resident if not served by a connected PUBLIC SANITARY SEWER SYSTEM.</li> </ol> </li> <li>4. The proposed RESIDENTIAL RECOVERY CENTER shall be operated as follows:                             <ol style="list-style-type: none"> <li>a. A responsible and qualified staff person must be onsite to provide supervision 24 hours per day, seven days per week; and</li> <li>b. All onsite food service shall be compliant with the Champaign County Health Ordinance; and</li> <li>c. The RESIDENTIAL RECOVERY CENTER must be operated in conformance with the <i>Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/)</i> including obtaining any required license.</li> </ol> </li> <li>5. No person may occupy a RESIDENTIAL RECOVERY CENTER until a qualified inspector (as defined in 20 ILCS 3105/10.09-1) files a certification that the building complies with the 2006 edition of the International Building Code.</li> </ol>										

**6. Add new paragraph 7.4.1 C.3.i., as follows:**

- i. Parking spaces for a RESIDENTIAL RECOVERY CENTER shall only be required for the number of vehicles proposed to be authorized in the Special Use Permit application.

*REVISED DRAFT July 9, 2010*

**668-AT-10**

**FINDING OF FACT  
AND FINAL DETERMINATION  
of  
Champaign County Zoning Board of Appeals**

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Final Determination: *{RECOMMEND ENACTMENT / RECOMMEND DENIAL}*

Date: July 9, 2010

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

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

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 27, 2010, June 17, 2010, and July 15, 2010**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.

2. The need for the amendment came about as follows:
  - A. The Apostolic Church at 2107 High Cross Road, Urbana, has been operating a small, eight person recovery program (the Lifeline Connect Ministry) since the fall of 2007 as an unauthorized use in the AG-2 District.
  - B. The recovery program is not currently an allowed use in the Zoning Ordinance, and the church now wishes to expand the program and is seeking County approval.
  - C. The Champaign County Board Committee of the Whole authorized this text amendment at their meeting on May 4, 2010.
  - D. The proposed amendment will add “Residential Recovery Center” as a defined term to the Zoning Ordinance and as a use in Section 5.2 Table of Authorized Principal Uses. The use will only be authorized by-right in the R-4 Multiple Family Residence District and only by Special Use Permit in AG-2 Agriculture District.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. ~~No comments have been received to date.~~ Preliminary staff comments have been received from Champaign and Urbana planning staffs, as follows:
  - A. City of Champaign staff has provided comments two times, as follows:
    - (1) A letter was received from Rob Kowalski, Assistant Planning Director for the City of Champaign, on May 27, 2010, which provided comments for an earlier draft of the proposed amendment.
    - (2) A Report to Plan Commission from Bruce Knight, Planning Director for the City of Champaign, was received on July 2, 2010, and was originally on the agenda of the Champaign Plan Commission for July 7, 2010, but was removed after discussion between County and City staff. It indicated the following:
      - (a) Champaign staff recommends the Plan Commission forward Case 668-AT-10 to the City Council with a recommendation to protest, but with the condition that the protest will be withdrawn if the number of residents is capped at 16 instead of 25.
      - (b) A RESIDENTIAL RECOVERY CENTER is most similar to a Recovery Home as defined in the Champaign Zoning Ordinance, but is also similar to Community Living Facilities.
      - (c) Recovery Homes only allow a maximum of 8 residents, but due to the other conditions in the proposed amendment the higher maximum of 16 residents from the Community Living Facility definition may be appropriate.
  - B. An email was received from Robert Myers, Planning Manager for the City of Urbana, on May 27, 2010, which provided comments for an earlier draft of the proposed amendment.

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

**GENERALLY REGARDING THE EXISTING ZONING REGULATIONS**

4. There are no existing regulations regarding “Residential Recovery Centers” or similar uses in the Zoning Ordinance. However, churches and temples are authorized by Special Use Permit only in the AG-2 District.

**SUMMARY OF THE PROPOSED AMENDMENT**

5. The following is a summary of the proposed amendment:
- A. In Section 3, add RESIDENTIAL RECOVERY CENTER as a defined term.
  - B. In Section 4.2.1 C. authorize RESIDENTIAL RECOVERY CENTER as a second principal use on a lot with a church or temple in the AG-2 District.
  - C. In Section 5.2, add “RESIDENTIAL RECOVERY CENTER” to the Table of Authorized Principal Uses ~~in the R-4 Multiple Family Zoning District~~ and in the AG-2 Agriculture Zoning District, and add a new footnotes.
  - D. Add RESIDENTIAL RECOVERY CENTER to Section 6.1.3 with standard conditions of approval.
  - E. In Section 7.4.1, add new paragraph C.3.i. indicating parking for a RESIDENTIAL RECOVERY CENTER is only required for vehicles proposed as part of the Special Use Permit application.

**GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

6. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
    - It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable.
  - B. The LRMP defines Goals, Objectives, and Policies as follows:
    - (1) Goal: an ideal future condition to which the community aspires
    - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

ITEM 6.B. CONTINUED

- (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”
- D. LRMP Objective 1.1 is entitled “Guidance on Land Resource Management Decisions”, and states, “Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.”
- E. Goal 1 of the LRMP is relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions (see Item 6.D. above), but is otherwise not relevant to the proposed amendment. The Goals for Prosperity (Goal 3), Natural Resources (Goal 8), Energy Conservation (Goal 9), and Cultural Amenities (Goal 10) and their subsidiary Objectives and Policies also do not appear to be relevant to the proposed amendment.

**REGARDING LRMP GOAL 2 GOVERNMENTAL COORDINATION**

- 7. LRMP Goal 2 is entitled “Governmental Coordination” and is relevant to the proposed amendment because the proposed amendment will affect areas of overlapping planning jurisdiction. Goal 2 states, “Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.”

The proposed amendment ***{GENERALLY ACHIEVES}*** Goal 2 because of the following:

- A. Goal 2 includes two subsidiary Objectives. Objective 2.2 does not appear to be relevant to the proposed amendment.
- B. Objective 2.1 is entitled “Local and Regional Coordination,” and states, “Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.”

The proposed amendment ***{GENERALLY ACHIEVES}*** Objective 2.1 because of the following:

- (a) Objective 2.1 includes three subsidiary Policies. None of the Policies appear to be relevant to the proposed amendment.
- (b) See the staff review of municipal ordinances under Item 12.

**REGARDING LRMP GOAL 4 AGRICULTURE**

8. LRMP Goal 4 is entitled “Agriculture” and is relevant to the proposed amendment because the proposed amendment will allow RESIDENTIAL RECOVERY CENTER in the AG-2 District, under certain conditions. Goal 4 states, “Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.”

The proposed amendment *{ACHIEVES}* Goal 4 because of the following:

- A. Goal 4 includes nine subsidiary Objectives. Objectives 4.4, 4.5, 4.6, 4.7, 4.8, and 4.9, and their subsidiary policies do not appear to be relevant to the proposed amendment.
- B. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states, “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

The proposed amendment *{ACHIEVES}* Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed amendment.
- (2) Policy 4.1.1 states, “Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”

The proposed amendment *{CONFORMS}* to Policy 4.1.1 because the proposed amendment restricts the location of a RESIDENTIAL RECOVERY CENTER in the AG-2 District to within one and one-half mile of a home rule municipality with an adopted comprehensive plan and only when co-located and operated by a church or temple, and also requires a Special Use Permit (discretionary review development) with standard conditions that also serve to restrict the conditions under which a RESIDENTIAL RECOVERY CENTER are allowed.

- (3) Policy 4.1.6 is as follows:

Provided that the use, design, site and location are consistent with County policies regarding:

- i. Suitability of the site for the proposed use;
- ii. Adequacy of infrastructure and public services for the proposed use;
- iii. Minimizing conflict with agriculture;
- iv. Minimizing the conversion of farmland; and
- v. Minimizing the disturbance of natural areas; then

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ITEM 8.B.(3) CONTINUED

- a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
- b) On best prime farmland, the County may authorize non-residential discretionary development; or
- c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.

The proposed amendment *{CONFORMS}* to Policy 4.1.6 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of Goal 4.
- (b) Suitability of a subject property for a RESIDENTIAL RECOVERY CENTER will be evaluated as part of a Special Use Permit determination.
- (c) Adequacy of public services such as fire and police protection are evaluated as part of a Special Use Permit determination.
- (d) The proposed amendment includes a standard condition that requires a RESIDENTIAL RECOVERY CENTER to be served by public transportation.
- (e) The proposed amendment includes a standard condition that requires a RESIDENTIAL RECOVERY CENTER to provide adequate lot area for a septic system if it is not connected to public sanitary sewer.
- (f) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the associate church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, a RESIDENTIAL RECOVERY CENTER should not create any traffic impacts greater than those created by the church or temple.

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ITEM 8.B. CONTINUED

- (4) Policy 4.1.8 states, “The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.”

The proposed amendment *{CONFORMS}* to Policy 4.1.8 because it authorizes RESIDENTIAL RECOVERY CENTERS in the AG-2 District by Special Use Permit (discretionary review development) only and the LESA rating for farmland protection can be reviewed as part of a Special Use Permit determination.

- C. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each discretionary review development will not interfere with agricultural operations.”

The proposed amendment *{ACHIEVES}* Objective 4.2 because of the following:

- (1) Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential discretionary review development in a rural area if the proposed development supports agriculture or involves a product or service that is provided better in a rural area than in an urban area.”

The proposed amendment *{CONFORMS}* to Policy 4.2.1 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of reviewing Goal 4 for conformance with the Objectives and Policies.
- (b) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by a special use permit and only when co-located with a church or temple which itself also requires a special use permit in the AG-2 District.
- (c) Any church or temple that existed in the AG-2 District on August 20, 2002, is legally non-conforming with respect to the need for a special use permit. Furthermore, any church or temple that existed in the AG-2 District on August 20, 2002, is by definition provided better in the rural area than an urban area and conforms to policy 4.2.1.
- (d) The Ordinance should be amended to make it clear that any new Special Use Permit (including a church or temple) in the AG-2 District will have to conform to Policy 4.2.1 or to prohibit new churches or temples in the AG-2 District.
- (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY

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ITEM 8.C.(1)(E) CONTINUED

CENTER in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 4.2.1 a RESIDENTIAL RECOVERY CENTER should also conform.

(2) Policy 4.2.2 is, as follows:

The County may authorize discretionary review development in a rural area if the proposed development:

- a. Is a type that does not negatively affect agricultural activities; or
- b. Is located and designed to minimize exposure to any negative effect caused by agricultural activities; and
- c. Will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.

The proposed amendment *{CONFORMS}* to Policy 4.2.2 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of reviewing Goal 4.
- ~~(b) The activities of a RESIDENTIAL RECOVERY CENTER should be contained on the property where it is located and therefore, would not negatively affect agricultural activities on neighboring properties.~~
- (b) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by a special use permit and only when co-located with a church or temple which itself also requires a special use permit in the AG-2 District.
- (c) Any church or temple that existed in the AG-2 District on August 20, 2002, is legally non-conforming with respect to the need for a special use permit. Furthermore, any church or temple that existed in the AG-2 District on August 20, 2002, is by definition provided better in the rural area than an urban area and conforms to policy 4.2.2.
- (d) The Ordinance should be amended to make it clear that any new Special Use Permit (including a church or temple) in the AG-2 District will have to conform to Policy 4.2.2 or to prohibit new churches or temples in the AG-2 District.

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ITEM 8.C.(2) CONTINUED

- (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 4.2.2 a RESIDENTIAL RECOVERY CENTER should also conform.
  - (f) The impacts of a RESIDENTIAL RECOVERY CENTER on agricultural activities, operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure can be considered as part of the required Special Use Permit determination.
- (3) Policy 4.2.3 does not appear to be relevant to the proposed amendment.
  - (4) Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”

The proposed amendment *{CONFORMS}* to Policy 4.2.4 because whether a buffer is necessary can be considered in the Special Use Permit determination.

- D. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states, “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed amendment *{ACHIEVES}* Objective 4.3 because of the following:

- (1) Policy 4.3.1 states, “On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use.”

The proposed amendment *{CONFORMS}* to Policy 4.3.1 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of reviewing Goal 4 for conformance with the Objectives and Policies.
- (b) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by special use permit within one and one-half miles of a home rule municipality with an adopted comprehensive plan and only when

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ITEM 8.D.(1)(B) CONTINUED

operated by and located on the same property as a church or temple. The proposed amendment also includes a standard condition that the associated church or temple must occupy that occupies a building which predominately existed on October 10, 1973, which greatly reduces the locations where a new church could possibly propose a RESIDENTIAL RECOVERY CENTER.

- (c) The Ordinance should probably be amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.1.
  - (d) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.1. the Zoning Board of Appeals (ZBA) can include the consideration of site suitability under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”
  - (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 4.3.1 a RESIDENTIAL RECOVERY CENTER should also conform.
- (2) Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”

The proposed amendment **{CONFORMS}** to Policy 4.3.2 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of reviewing Goal 4 for conformance with the Objectives and Policies.
- (b) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by special use permit within one and one-half miles of a home rule municipality with an adopted comprehensive plan and only when operated by and located on the same property as a church or temple. The proposed amendment also includes a standard condition that the associated church or temple must occupy that occupies a building which predominately existed on

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ITEM 8.D.(2)(B) CONTINUED

October 10, 1973, which greatly reduces the locations where a new church could possibly propose a RESIDENTIAL RECOVERY CENTER.

- (c) The Ordinance should probably be amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.2.
  - (d) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.2. the Zoning Board of Appeals (ZBA) can include the consideration of site suitability under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”
  - (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 4.3.2 a RESIDENTIAL RECOVERY CENTER should also conform.
- (3) Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”

The proposed amendment *{CONFORMS}* to Policy 4.3.3 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development.
- (b) The proposed amendment includes standard conditions that require the use to be served by public transportation.
- (c) The Ordinance should probably be amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.3.
- (d) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.3. the Zoning Board of Appeals (ZBA) can include the consideration of adequacy of public services under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the

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ITEM 8.D.(3)(D) CONTINUED

DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”

- (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 4.3.3 a RESIDENTIAL RECOVERY CENTER should also conform.
- (4) Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”

The proposed amendment *{CONFORMS}* to Policy 4.3.4 because of the following:

- (a) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the associate church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, a RESIDENTIAL RECOVERY CENTER should not create any traffic impacts greater than those created by the church or temple.
- (b) The proposed amendment includes a standard condition requiring any RESIDENTIAL RECOVERY CENTER be served by public transportation, which should further reduce any traffic impacts or safety concerns regarding pedestrian or bicycle traffic generated by a RESIDENTIAL RECOVERY CENTER.
- (c) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 4.3.4. the Zoning Board of Appeals (ZBA) can include the consideration of adequacy of public infrastructure under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”

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ITEM 8.D. CONTINUED

- (5) Policy 4.3.5 is as follows:

On best prime farmland, the County will authorize a business or other non-residential use only if:

- a. It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. The use is otherwise appropriate in a rural area and the site is very well suited to it.”

The proposed amendment *{CONFORMS}* to Policy 4.3.5 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of Goal 4.
- (b) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by a special use permit and only when co-located with a church or temple which itself also requires a special use permit in the AG-2 District.
- (c) Any church or temple that existed in the AG-2 District on August 20, 2002, is legally non-conforming with respect to the need for a special use permit. Furthermore, any church or temple that existed in the AG-2 District on August 20, 2002, is by definition more appropriate in the rural area than an urban area and conforms to policy 4.3.5.
- (d) The Ordinance may one day be amended to be more restrictive regarding new churches in the rural districts. Until that time the Zoning Board of Appeals (ZBA) should consider a church or temple appropriate in a rural location and evaluate suitability under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”
- (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 4.3.5 a RESIDENTIAL RECOVERY CENTER should also conform.

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**REGARDING LRMP GOAL 5 URBAN LAND USE**

9. LRMP Goal 5 is entitled “Urban Land Use” and is relevant to the proposed amendment because it will allow “Residential Recovery Homes” in the R-4 District. Goal 5 states, “Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.”

The proposed amendment *{ACHIEVES}* Goal 5 because of the following:

- A. Objective 5.1 is entitled “Population Growth and Economic Development” and states “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers.”

The proposed amendment *{ACHIEVES}* Objective 5.1 because of the following:

- (1) Objective 5.1 includes nine subsidiary policies. Policies 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.8, and 5.1.9 do not appear to be relevant to the proposed amendment.
- (2) Policy 5.1.4 is as follows:

The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be well-suited overall for the development if on best prime farmland or the site is suited overall, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

The proposed amendment *{CONFORMS}* to Policy 5.1.4 because of the following:

- (a) Regarding item a. of Policy 5.1.4, see the review of relevant municipal requirements under Item 12.
- (b) Regarding item b. of Policy 5.1.4, see the discussion under item 8.D. regarding policies 4.3.1 and 4.3.2.
- (c) A RESIDENTIAL RECOVERY CENTER located in the AG-2 District can only be located within one and one-half miles of a home rule municipality with an adopted comprehensive plan and is authorized by Special Use Permit only.

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ITEM 9.A.(2) CONTINUED

- (d) Evaluation of whether a proposed RESIDENTIAL RECOVERY CENTER is located on a suitable site and is consistent with relevant LRMP Goals, Objectives, and Policies will be determined as part of the required Special Use Permit determination.

- B. Objective 5.2 is entitled, “Natural Resources Stewardship” and states, “When new urban development is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.”

The proposed amendment *{ACHIEVES}* Objective 5.2 because of the following:

- (1) Objective 5.2 includes three subsidiary policies. Policies 5.2.1 and 5.2.3 do not appear to be relevant to the proposed amendment.
- (2) Policy 5.2.2 is as follows:

The County will:

- a. ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland.

The proposed amendment *{CONFORMS}* to Policy 5.2.2 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of reviewing Goal 5 for conformance with the Objectives and Policies.
- (b) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by special use permit within one and one-half miles of a home rule municipality with an adopted comprehensive plan and only when operated by and located on the same property as a church or temple. The proposed amendment also includes a standard condition that the associated church or temple must occupy that occupies a building which predominately existed on October 10, 1973, which greatly reduces the locations where a new church could possibly proposed a RESIDENTIAL RECOVERY CENTER.
- (c) The Ordinance should probably be amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 5.2.2.

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ITEM 9.B.(2) CONTINUED

- (d) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 5.2.2. the Zoning Board of Appeals (ZBA) can include the consideration of efficient use of best prime farmland under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”
- (e) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 5.2.2 a RESIDENTIAL RECOVERY CENTER should also conform.

- C. Objective 5.3 is entitled “Adequate Public Infrastructure and Services” and states, “Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and public services are provided.”

The proposed amendment *{ACHIEVES}* Objective 5.3 because of the following:

- (1) Policy 5.3.1 is as follows:

The County will:

- a. require that proposed new urban development in unincorporated areas is sufficiently served by available public services and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new urban development is sufficiently served by available public services and without undue public expense.

The proposed amendment *{CONFORMS}* to Policy 5.3.1 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of Goal 5.
- (b) The proposed amendment includes a standard condition that requires the use to be served by public transportation.

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ITEM 9.C.(1) CONTINUED

- (c) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by special use permit within one and one-half miles of a home rule municipality with an adopted comprehensive plan and only when operated by and located on the same property as a church or temple that occupies a building which predominately existed on October 10, 1973, which greatly reduces the locations where a new church could possibly proposed a RESIDENTIAL RECOVERY CENTER.
  - (d) The Ordinance should probably be amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 5.3.1.
  - (e) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 5.3.1. the Zoning Board of Appeals (ZBA) can include the consideration of adequacy of public services under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”
  - (f) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 5.3.1 a RESIDENTIAL RECOVERY CENTER should also conform.
- (2) Policy 5.3.2 is as follows:

The County will:

- a. require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and

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ITEM 9.C.(2) CONTINUED

- b. encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.

The proposed amendment *{CONFORMS}* to Policy 5.3.2 because of the following:

- (a) A RESIDENTIAL RECOVERY CENTER must have adequate lot area for an adequate septic system if it is not connected to a public sanitary sewer system.
- (b) A RESIDENTIAL RECOVERY CENTER should be considered a non-residential discretionary development for the purposes of Goal 5.
- (c) The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by special use permit within one and one-half miles of a home rule municipality with an adopted comprehensive plan and only when operated by and located on the same property as a church or temple. The proposed amendment also includes a standard condition that the associated church or temple must occupy that occupies a building which predominately existed on October 10, 1973, which greatly reduces the locations where a new church could possibly proposed a RESIDENTIAL RECOVERY CENTER.
- (e) The Ordinance should probably be amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 5.3.2.
- (f) Until the Ordinance is amended to make it clear that any new special use permit in the AG-2 District will have to conform to Policy 5.3.2. the Zoning Board of Appeals (ZBA) can include the consideration of adequacy of public infrastructure under the second special use permit criteria which requires “that it be so designed, located, and proposed as to be operated so that it not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare.”
- (g) The standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to no more than 10% of the maximum capacity of the primary worship area of a church or temple will ensure that a RESIDENTIAL RECOVERY CENTER in the AG-2 District is always a minor use compared to the church or temple, and the overall limit of 25 residents will limit churches with a capacity greater than 250 people to an even smaller percentage of their capacity. Therefore, if a new church or temple is found to conform to Policy 5.3.2 a RESIDENTIAL RECOVERY CENTER should also conform.

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ITEM 9.C. CONTINUED

- (3) Policy 5.3.3 does not appear to be relevant to the proposed amendment.

**REGARDING LRMP GOAL 6 PUBLIC HEALTH AND SAFETY**

10. LRMP Goal 6 is entitled “Public Health and Public Safety” and is relevant to the proposed amendment. Goal 6 states, “Champaign County will ensure protection of the public health and public safety in land resource management decisions.”

The proposed amendment *{ACHIEVES}* Goal 6 because of the following:

- A. Goal 6 includes four subsidiary Objectives. Objectives 6.3 and 6.4 do not appear to be relevant to the proposed amendment.
- B. Objective 6.1 is entitled “Protect Public Health and Safety” and states, “Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”

The proposed amendment *{ACHIEVES}* Objective 6.1 because of the following:

- (1) Policy 6.1.1 states, “The County will establish minimum lot location and dimension requirements for all new rural residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

The proposed amendment *{CONFORMS}* to Policy 6.1.1 because the proposed amendment includes a standard condition requiring adequate area for an onsite wastewater and septic system.

- (2) Policy 6.1.2 states, “The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.”

The proposed amendment *{CONFORMS}* to Policy 6.1.1 because the proposed amendment includes a standard condition requiring adequate area for an onsite wastewater and septic system.

- (3) Policy 6.1.3 states, “The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.”

The proposed amendment *{CONFORMS}* to Policy 6.1.1 because the Zoning Ordinance includes a standard condition restricting the type of lighting a Special Use Permit may use.

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ITEM 10.B. CONTINUED

(4) Policy 6.1.4 does not appear to be relevant to the proposed amendment.

- C. Objective 6.2 is entitled “Public Assembly Land Uses” and states, “Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.”

The proposed amendment *{ACHIEVES}* Objective 6.2 because of the following:

- (1) Objective 6.2 includes three subsidiary policies. Policies 6.2.2 and 6.2.3 do not appear to be relevant to the proposed amendment.
- (2) Policy 6.2.1 states, “The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

The proposed amendment *{CONFORMS}* to Policy 6.2.1 because the proposed amendment includes a standard condition requiring conformance with the 2006 edition of the International Building Code, in accordance with state statute (20 ILCS 3105/10.09-1) relevant life safety codes.

REGARDING LRMP GOAL 7 TRANSPORTATION

11. LRMP Goal 7 is entitled “Transportation” and is relevant to the proposed amendment because . Goal 7 states, “Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.”

The proposed amendment *{ACHIEVES}* Goal 7 because of the following:

- A. Goal 7 includes two subsidiary Objectives. Objective 7.2 does not appear to be relevant to the proposed amendment.
- B. Objective 7.1 is entitled “Traffic Impact Analyses” and states, “Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.”

The proposed amendment *{ACHIEVES}* Objective 7.1 because of the following:

- (1) Policy 7.1.1 states, “The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.”

The proposed amendment *{CONFORMS}* to Policy 7.1.1 because a RESIDENTIAL RECOVERY CENTER is a discretionary review development and the County can request a Traffic Impact Analysis as part of the review, but the limit on the number of occupants is so low that there should be no significant traffic impact.

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**REGARDING OTHER RELEVANT CONSIDERATIONS**

12. Regarding the coordination of land resource management planning which is relevant to Objective 2.1 of the LRMP

(Note: Due to the extensive nature of the changes made to the following paragraphs, no annotations have been included):

- A. The proposed amendment authorizes RESIDENTIAL RECOVERY CENTER in the AG-2 District only by a special use permit and only when (a) co-located with a church or temple which itself also requires a special use permit in the AG-2 District and (b) located within one and one-half miles of a home-rule municipality with an adopted comprehensive plan and subject to special use permit standard conditions. The cities of Champaign and Urbana are the only home-rule municipalities in Champaign County and thus the only relevant municipalities for this amendment.
- B. In a text amendment to the County Zoning Ordinance, coordination of planning generally involves ensuring that the proposed change to the County Zoning Ordinance is also consistent with relevant municipal comprehensive plans and relevant municipal zoning ordinances. Inconsistencies between county and municipal ordinances can only be eliminated by adopting identical requirements and standards which is not possible unless municipalities also adopt identical requirements and standards.
- C. Regarding coordination with the City of Champaign:
- (1) The proposed RESIDENTIAL RECOVERY CENTER is arguably most similar to “recovery home” in the City of Champaign Zoning Ordinance although it could also be compared to a “community living facility, category III.” The following is a brief review of the City of Champaign requirements for “recovery home:”
- (a) The City of Champaign Zoning Ordinance defines “recovery home” as “...a dwelling unit operated for the purpose of promoting the joint rehabilitation of its occupants from alcohol or drug addiction.” and is limited to no more than 8 occupants and 2 live-in staff. There are also certain limits regarding the conviction and or sentencing of the occupants.
- (b) It is not clear whether every use that is authorized as a “recovery home” in the City of Champaign but not marketed as a “recovery home” has to be licensed by the State of Illinois pursuant to the Alcoholism and Other Drug Abuse and Dependency Act (20ILCS301). However, the State of Illinois does require all “recovery homes” to be licensed and to have 24/7 supervision by qualified professionals.

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ITEM 12.C.(1) CONTINUED

- (c) Recovery home is authorized by right in many districts including the SF1 District which is what land in the County's AG-2 District is classified upon annexation if no other designation is requested.
  - (d) Sec. 37-50 par. c of the City's Zoning Ordinance requires that in the SF1 District there can be only one (1) principal use per lot, provided that two (2) or more institutional uses affiliated with one (1) another may be located on a single lot. It is not clear whether a recovery home operated by a church at the same location would be considered a second institutional use but if it were it would presumably still be limited to no more than 8 occupants.
- (2) The following is a brief review of the City of Champaign requirements for "community living facility, Class III":
- (a) The City of Champaign Zoning Ordinance defines "community living facility, Category III" as a dwelling unit operated to provide supervision, food, lodging, or other services to a service dependent population consisting of a basic group of not more than 16 service dependent individuals living and cooking together in a single cooperative housekeeping unit, plus staff. A service dependent population is defined as "...those persons, who by reason of mental or physical disability require supervision in a quasi-parental relationship but do not require medical or nursing care on-site." There are also certain limits regarding the conviction and or sentencing of the occupants.
  - (b) Community living facility, category III, is a provisional use in many districts including the SF1 District which is what land in the County's AG-2 District is classified upon annexation if no other designation is requested. A provisional use is authorized by right but subject to specific conditions. The only condition for a community living facility, category III, is that it must be separated by at least one thousand (1,000) feet from another community living facility, category III.
- (3) A comparison of both the City of Champaign "recovery home" and "community living facility, category III" to the proposed RESIDENTIAL RECOVERY CENTER in the AG-2 District authorized by a special use permit and only when co-located with a church or temple, can be summarized as follows:
- (a) These uses compare to the proposed Residential Recovery Center as follows:
    - i. The purpose of a recovery home seems to be nearly identical to that of a RESIDENTIAL RECOVER CENTER.

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ITEM 12.C.(3)(A) CONTINUED

- ii. A community living facility is intended to serve a service dependent population but a Residential Recovery Center is not intended to serve a service dependent population. State law (and therefore local zoning ordinances) limits the size and density of community living facilities presumably to ensure that adequate support is provided to the service dependant population at each facility. Limiting the numbers of occupants of a Residential Recovery Center also seems reasonable but for completely different reasons and therefore with different limits may not be unreasonable.
- (b) Recovery home is authorized by right in Champaign’s SF1 District (which is comparable to the County’s AG-2 District) and community living facility, category III, is a provisional use in the SF1 District but a RESIDENTIAL RECOVERY CENTER in the County’s AG-2 District is only proposed to be authorized by special use permit (and subject to standard conditions and only when operated by a church or temple at the same location). Note the following regarding County special use permits:
- i. Requiring a special use permit is more restrictive than authorizing by right or by provisional use. Therefore, the special use authorization that is proposed is not inconsistent with the authorization required for similar uses in the City’s SF1 District.
  - ii. Municipalities are invited to provide comments in public hearings for special use permits within 1.5 miles of the municipality.
  - iii. It is not clear that the ZBA could deny a special use permit for a RESIDENTIAL RECOVERY CENTER based simply on opposition from the municipality.
  - iv. The ZBA can impose special conditions of approval on special use permits and may waive standard conditions based on required findings.
- (c) Sec. 37-50 par. c of Champaign’s Zoning Ordinance requires that in the SF1 District there can be only one (1) principal use per lot, provided that two (2) or more institutional uses affiliated with one (1) another may be located on a single lot. Either a recovery home or a community living facility, category III, operated by a church at the same location could be considered a second institutional use which would be similar to the proposed requirement that a RESIDENTIAL RECOVERY CENTER in the County’s AG-2 District must be at the same location as and operated by a church or temple.

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ITEM 12.C.(3) CONTINUED

- (d) A recovery home in Champaign's SF1 District is limited to only about 1/3 as many occupants as the maximum number of occupants proposed as a standard condition for a RESIDENTIAL RECOVERY CENTER authorized by special use permit in the AG-2 district. This limit is reasonable for this use when authorized as a stand alone facility in a single family zoning district but seems unnecessarily low for a RESIDENTIAL RECOVERY CENTER that is co-located with and operated by a church. Community living facility, category III, is limited to about 2/3 as many occupants as a RESIDENTIAL RECOVERY CENTER. This limit is lower than the limit established by state law but will ensure a higher ratio of staff to occupants which should result in a better living environment but that consideration may not be relevant to a RESIDENTIAL RECOVERY CENTER.
- (e) Both a recovery home in the City's SF1 District and a community living facility, category III, may be stand alone facilities that may or may not resemble large dwellings and which generate their own vehicular traffic. A standard condition has been included to limit the number of occupants in a RESIDENTIAL RECOVERY CENTER in the County's AG-2 District to no more than 10% of the maximum occupancy of the main worship area of the church or a maximum of 25 occupants. Limiting the size in this way and requiring the RESIDENTIAL RECOVERY CENTER to be at the same location as and operated by a church or temple should ensure that it is nearly indistinguishable from the rest of the church or temple and is similar to an accessory use. The City of Champaign Zoning Ordinance authorizes accessory uses that are incidental or subordinate to the principal use so long as the accessory use is either a permitted, provisional, or special use in the district (Sec. 37-165 of the Municipal Code) and so long as the area occupied by all accessory uses shall not exceed an area equal to fifty (50) percent of the floor area occupied by the principal use (Sec. 37-166).
- (4) The following is a review of standard conditions that may help minimize inconsistencies between the proposed RESIDENTIAL RECOVERY CENTER use and uses in the City of Champaign SF1 District:
  - (a) A use authorized as a recovery home in the City's SF1 District may not necessarily have 24/7 supervision by a qualified professional but such supervision is proposed as a standard condition for a RESIDENTIAL RECOVERY CENTER in the County's AG-2 District authorized only by special use permit and only when operated by a church or temple at the same location. A community living facility, category III in the City's SF1 District would have 24/7 supervision by a qualified professional.

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ITEM 12.C.(4) CONTINUED

- (b) A standard condition has been included in the proposed amendment that will require new construction for a RESIDENTIAL RECOVERY CENTER authorized by a special use permit in the County's AG-2 District (and co-located with a church or temple) to be constructed to the requirements of the 2006 edition of the International Building Code, which is consistent with state law (10 ILCS 3105/10.09-1) and the City of Champaign.
  
- (5) The following is a review of standard conditions that are intended to limit the locations in the AG-2 District and within one and one half miles of the City of Champaign to the most appropriate locations for a RESIDENTIAL RECOVERY CENTER:
  - (a) The most appropriate locations for the proposed use are locations that comply with the Land Resource Management Plan (LRMP) and that comply with relevant municipal comprehensive plans and that minimize inconsistencies with relevant municipal zoning ordinances.
  
  - (b) The proposed amendment includes a standard condition that will require a RESIDENTIAL RECOVERY CENTER authorized by a special use permit in the County's AG-2 District (and co-located with a church or temple) to also be served by public transportation. This standard condition will ensure the following:
    - i. The availability of public transportation should minimize both automobile and pedestrian traffic on rural roads and thereby ensure achievement of relevant LRMP policies.
  
    - ii. Because only a very small part of the AG-2 District is served by public transportation this standard condition will also limit existing churches or temples that are eligible to develop a RESIDENTIAL RECOVERY CENTER and thereby minimize inconsistencies between any authorized RESIDENTIAL RECOVERY CENTER and the City of Champaign Zoning Ordinance that could arise from any future annexation.
  
  - (c) The proposed amendment includes a standard condition that the church or temple must occupy a building which predominately existed on October 10, 1973. This standard condition will ensure the following:
    - i. It will generally eliminate any new church or temple from being eligible to develop a RESIDENTIAL RECOVERY CENTER and thus ensure that the amendment will not add to urban sprawl.

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ITEM 12.C.(5)(C) CONTINUED

- ii. It will eliminate most known churches in the County's AG-2 District from being eligible to develop a RESIDENTIAL RECOVERY CENTER and thereby minimize inconsistencies between any authorized RESIDENTIAL RECOVERY CENTER and the City of Champaign Zoning Ordinance that could arise from any future annexation.
- (6) The net effect of all requirements and standard conditions proposed for a RESIDENTIAL RECOVERY CENTER should be to eliminate any new church or temple and all known churches in the County's AG-2 District within one and one half miles of the City of Champaign from being eligible to develop a RESIDENTIAL RECOVERY CENTER at this time. The following churches are located in the AG-2 District within one and one-half miles of the City of Champaign but none are eligible to establish a RESIDENTIAL RECOVERY CENTER at this time for the reasons stated:
- (a) The Curtis Road Church of God, 2604 Curtis Road, is located in the AG-2 District. However, the church building did not exist on October 10, 1973, and so would not be eligible to propose a RESIDENTIAL RECOVERY CENTER unless a waiver of this standard condition would be granted.
  - (b) The Savoy United Methodist Church, 3002 West Old Church Road, is located in the AG-2 District. However, the church building did not exist on October 10, 1973, and so would not be eligible to propose a RESIDENTIAL RECOVERY CENTER unless a waiver of this standard condition would be granted.
  - (c) The Friendship Lutheran Church of Joy, 3601 South Duncan Road, is located in the AG-2 District. However, the church building did not exist on October 10, 1973, and so would not be eligible to propose a RESIDENTIAL RECOVERY CENTER unless a waiver of this standard condition would be granted.
  - (d) The Seventh Day Adventists Church is located in the AG-2 District. The church building did exist on October 10, 1973, but the property is not served by public transportation at this time and so the church would not be eligible to propose a RESIDENTIAL RECOVERY CENTER at this time unless a waiver of this standard condition would be granted.
  - (e) The Windsor Road Christian Church, 2501 Windsor Road, is located in the AG-2 District. However, the church building did not exist on October 10, 1973, and so would not be eligible to propose a RESIDENTIAL RECOVERY CENTER unless a waiver of this standard condition would be granted.

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ITEM 12. CONTINUED

D. Regarding coordination with the City of Urbana:

- (1) The proposed RESIDENTIAL RECOVERY CENTER is arguably most similar to “home for adjustment” in the City of Urbana Zoning Ordinance although it could also be compared to a “community living facility” and perhaps even a “methadone treatment facility”. The following is a brief review of the City of Urbana requirements for a “home for adjustment:”
  - (a) The City of Urbana Zoning Ordinance defines “home for adjustment” as similar to a halfway house or rehabilitation center or crisis center and as “...a dwelling in which persons live while receiving therapy and counseling to assist them in recovering from the effects of chemical or alcohol dependency” and as an emergency shelter.
  - (b) There are no specific limits on number of occupants or requirements for staffing.
  - (c) There are no limits regarding the conviction and or sentencing of the occupants.
  - (d) There is no reason to expect that a home for adjustment would necessarily have to be licensed by the State of Illinois pursuant to the Alcoholism and Other Drug Abuse and Dependency Act (20ILCS301).
- (2) The following is a brief review of the City of Urbana requirements for “community living facility, Class III”:
  - (a) The City of Urbana Zoning Ordinance defines “community living facility, Category III” as identical to that of the City of Champaign Zoning Ordinance, which is a dwelling unit operated to provide supervision, food, lodging, or other services to a service dependent population consisting of a basic group of not more than 16 service dependent individuals living and cooking together in a single cooperative housekeeping unit, plus staff. A service dependent population is defined as “...those persons, who by reason of mental or physical disability require supervision in a quasi-parental relationship but do not require medical or nursing care on-site.” There are also certain limits regarding the conviction and or sentencing of the occupants.
  - (b) Community living facility, category III, is a provisional use in many districts including the SF1 District which is what land in the County’s AG-2 District is classified upon annexation if no other designation is requested. A provisional use is authorized by right but subject to specific conditions. The only condition for a community living facility, category III, is that it must be separated by at least one thousand (1,000) feet from another community living facility, category III.

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ITEM 12.D.(2) CONTINUED

- (c) Community living facilities must be licensed by the State of Illinois and must have any necessary nursing case which will presumably require some degree of 24/7 supervision by qualified professionals.
  
- (3) “Methadone treatment facility” is authorized in Urbana’s AG district by special use permit. Methadone treatment facility is defined in the Urbana’s Zoning Ordinance as “any properly licensed facility, other than a hospital, where the drug methadone is administered or dispensed to patients for the purposes of opiate addiction treatment.” Thus, methadone treatment facility should probably be considered a more intense land use than RESIDENTIAL RECOVERY CENTER because it is not a residential use; it involves more intrusive medical procedures; and it serves a population that is actively using drugs rather than trying to not use drugs.
  
- (4) A comparison of the City of Urbana “home for adjustment” and “community living facility, category III” and “methadone treatment facility” to the proposed RESIDENTIAL RECOVERY CENTER in the AG-2 District authorized by a special use permit and only when co-located with a church or temple can be summarized as follows:
  - (a) Each of these uses are different than the proposed Residential Recovery Center as follows:
    - i. Home for adjustment can simply be an emergency shelter but a Residential Recovery Center cannot be an emergency shelter. An emergency shelter serves a homeless population which generally benefits from being housed in an area with convenient access to other necessary services and those services are not typically provided in the areas where Urbana’s AG or the County’s AG-2 Districts are located.
  
    - ii. A community living facility is intended to serve a service dependent population but a Residential Recovery Center is not intended to serve a service dependent population. State law (and therefore local zoning ordinances) limits the size and density of community living facilities presumably to ensure that adequate support is provided to the service dependant population at each facility. Limiting the numbers of occupants of a Residential Recovery Center also seems reasonable but for completely different reasons and therefore with different limits.
  
    - iii. A methadone treatment facility is intended for patients who undergo methadone treatment for opiate addiction and a Residential Recovery Center is intended for individuals who are not using drugs.

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ITEM 12.D.(4) CONTINUED

- (b) Neither home for adjustment or community living facility, category III, are allowed in Urbana's AG zoning district (which is comparable to the County's AG-2 District) but a methadone treatment facility is authorized as a special use permit in Urbana's AG zoning district which is the same as the proposed authorization of RESIDENTIAL RECOVERY CENTER by special use permit in the County's AG-2 District when co-located with a church or temple. Note the following regarding County special use permits:
- i. Municipalities are invited to provide comments in public hearings for special use permits within 1.5 miles of the municipality.
  - ii. It is not clear that the ZBA could deny a special use permit for a RESIDENTIAL RECOVERY CENTER based simply on opposition from the municipality.
  - iii. The ZBA can impose special conditions of approval on special use permits and may waive standard conditions based on required findings.
- (c) The City of Urbana Zoning Ordinance apparently does not allow two principal uses on the same lot. If a RESIDENTIAL RECOVERY CENTER could be considered similar to a methadone treatment facility, the proposed requirement that a RESIDENTIAL RECOVERY CENTER in the County's AG-2 District must be at the same location as and operated by a church or temple could possibly be achieved by subdividing the property so that both the RESIDENTIAL RECOVERY CENTER and the related church or temple are each on a separate lot even though they would be required to be under the same ownership.
- (d) A methadone treatment facility can be a stand alone facility in Urbana's AG District that may or may not resemble a large dwelling which generates its own vehicular traffic. There are no specific limits on the number of occupants for a methadone treatment facility (other than it must comply with the limit on occupancy as regulated by the building code) so it is difficult to compare to the proposed standard condition limiting the occupancy of a RESIDENTIAL RECOVERY CENTER to a maximum of no more than 10% of the maximum occupancy of the main worship area or a maximum of 25 occupants. Limiting the size in this way and requiring the RESIDENTIAL RECOVERY CENTER to be at the same location as and operated by a church or temple should ensure that it is nearly indistinguishable from the rest of the church or temple and is similar to an accessory use. Note the following regarding accessory uses:

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ITEM 12.D.(4)(D) CONTINUED

- i. Note that when a use is accessory to a principal use that requires a special use permit, establishment of a new accessory use or expansion of an existing accessory use may trigger the requirement for a new special use permit for the associated special use.
  - ii. Subparagraph V-2 D. 6. of the City of Urbana Zoning Ordinance requires an accessory use to be “customarily incidental to the principal structure or use”. It is not clear whether a RESIDENTIAL RECOVERY CENTER should be considered customarily incidental to a church.
  - iii. “Church, temple, or mosque” is authorized by special use permit in the Urbana’s AG district which is the same authorization as required for church or temple (or mosque) in the County’s AG-2 District.
  - iv. It is not clear whether a RESIDENTIAL RECOVERY CENTER could be considered an accessory use to a church, temple, or mosque in Urbana’s AG District.
- (5) The following is a review of standard conditions that may help to minimize inconsistencies between the proposed RESIDENTIAL RECOVERY CENTER use and uses in the City of Urbana AG District:
- (a) A use authorized as a methadone treatment facility in Urbana’s AG District may not necessarily have 24/7 supervision by a qualified professional but such supervision is proposed as a standard condition for a RESIDENTIAL RECOVERY CENTER in the AG-2 District authorized only by special use permit and only when operated by a church at the same location.
  - (b) A standard condition has been included in the proposed amendment that will require new construction for a RESIDENTIAL RECOVERY CENTER authorized by a special use permit in the AG-2 District (and co-located with a church or temple) to be constructed to the requirements of the 2006 edition of the International Building Code, which is consistent with state law (10 ILCS 3105/10.09-1) and the City of Urbana.
- (6) The following is a review of standard conditions that are intended to limit the locations in the AG-2 District and within one and one half miles of the City of Urbana to the most appropriate locations for a RESIDENTIAL RECOVERY CENTER:

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ITEM 12.D.(6). CONTINUED

- (a) The most appropriate locations for the proposed use are locations that comply with the Land Resource Management Plan (LRMP) and that comply with relevant municipal comprehensive plans and that minimize possible inconsistencies with relevant municipal zoning ordinances that could arise from future annexations.
- (b) A standard condition has been included in the proposed amendment that will require a RESIDENTIAL RECOVERY CENTER authorized by a special use permit in the AG-2 District (and co-located with a church or temple) to also be served by public transportation. This standard condition will ensure the following:
  - i. The availability of public transportation should minimize both automobile and pedestrian traffic on rural roads and thereby ensure achievement of relevant LRMP policies.
  - ii. Because only a very small part of the AG-2 District is served by public transportation this standard condition will also limit existing churches or temples that are eligible to develop a RESIDENTIAL RECOVERY CENTER and thereby minimize inconsistencies between any authorized RESIDENTIAL RECOVERY CENTER and the City of Urbana Zoning Ordinance that could arise from any future annexation.
- (c) The proposed amendment includes a requirement that the church or temple must occupy a building which predominately existed on October 10, 1973. Such a requirement will eliminate most known churches in the AG-2 District from being eligible to develop a RESIDENTIAL RECOVERY CENTER. This standard condition will ensure the following:
  - i. It will generally eliminate any new church or temple from being eligible to develop a RESIDENTIAL RECOVERY CENTER and thus ensure that the amendment will not add to urban sprawl.
  - ii. It will eliminate most known churches in the County's AG-2 District from being eligible to develop a RESIDENTIAL RECOVERY CENTER and thereby minimize inconsistencies between any authorized RESIDENTIAL RECOVERY CENTER and the Urbana Zoning Ordinance that could arise from any future annexation.
- (7) The net effect of all requirements and standard conditions proposed for a RESIDENTIAL RECOVERY CENTER should be to eliminate most known churches in the AG-2 District within one and one half miles of the City of Urbana from being eligible to develop a RESIDENTIAL RECOVERY CENTER. The following churches are located in the AG-2

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ITEM 12.D.(7) CONTINUED

District within one and one-half miles of the City of Urbana and are not eligible to establish a RESIDENTIAL RECOVERY CENTER at this time for the reasons stated:

- (a) The Harvest Church, 2118 Cindy Lynn Street, is located in the AG-2 District. However, the church building did not exist on October 10, 1973, and so would not be eligible to propose a RESIDENTIAL RECOVERY CENTER unless a waiver of this standard condition would be granted.
- (b) The Grace Bible Church, 3902 North Willow Road, is located in the AG-2 District. However, the church building did not exist on October 10, 1973, and so would not be eligible to propose a RESIDENTIAL RECOVERY CENTER unless a waiver of this standard condition would be granted.
- (8) The Apostolic Church, 2107 North High Cross Road, is located in the AG-2 District within one and one half miles of the City of Urbana and is the only church that is eligible to propose a RESIDENTIAL RECOVERY CENTER because the church building did exist on October 10, 1973 and it is served by the MTD. Note the following about this location:
  - (a) The Urbana Comprehensive Plan indicates this area as being outside of the service area of the Urbana Champaign Sanitary District and is indicated as “rural residential” on the Future Land Use Map.
  - (b) The Urbana Comprehensive Plan notes that Champaign County has zoning jurisdiction outside of city limits.
  - (c) If the Apostolic Church is unlikely to ever be inside of city limits (ie, unlikely to be annexed) then compliance with the City’s zoning ordinance may never be required.
- E. Based on the comparison with the Champaign and Urbana municipal ordinances that is detailed in the preceding paragraphs, the proposal to authorize RESIDENTIAL RECOVERY CENTER in the AG-2 District by a special use permit and only when co-located with a church or temple compares to those municipal ordinances as follows:
  - (1) The proposal to authorize RESIDENTIAL RECOVERY CENTER in the AG-2 District by a special use permit and only when co-located with a church or temple does not exactly match any specific use that is currently authorized by either the City of Champaign or the City of Urbana. However, the zoning ordinance of each city has at least one similar type of use that is authorized in a similar zoning district.

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ITEM 12.E. CONTINUED

- (2) Regarding the City of Champaign, no church in the AG-2 District within one and one half miles of the City meets all of the standard conditions and therefore no RESIDENTIAL RECOVERY CENTER could be proposed at this time within the extraterritorial jurisdiction of the City of Champaign.
- (3) Regarding the City of Urbana:
  - (a) One church in the AG-2 District within one and one half miles of Urbana meets all of the standard conditions and a RESIDENTIAL RECOVERY CENTER could be proposed at that location.
  - (b) The only location where a RESIDENTIAL RECOVERY CENTER could be proposed is unlikely to ever be annexed and it is not clear that compliance with the City's zoning ordinance will ever be required.

13. Relevant state and federal requirements for RESIDENTIAL RECOVERY CENTER or similar uses are as follows:

- A. Any text amendment to the Zoning Ordinance should be consistent with relevant state and federal laws.
- B. Relevant state law for a RESIDENTIAL RECOVERY CENTER and other similar uses is located in the Alcohol and Other Drug Abuse and Dependency Act (20 ILCS 301/) and Title 77 of the Illinois Administrative Code Part 2060 Alcoholism and Substance Abuse Treatment and Intervention Licenses, as follows:
  - (1) The Alcohol and Other Drug Abuse and Dependency Act (20 ILCS 301/) establishes, among other items, the Department of Human Services and its authority to require any person or organization providing, "treatment for alcohol and other drug abuse and dependency..." to be licensed in one of several categories which specify the types of treatment and intervention that person or organization is licensed to provide.
  - (2) Recovery home services are a type of license authorized by the Act.
  - (3) {More information regarding the Administrative Code requirements will be available at the meeting.}
- C. Testimony regarding relevant state and federal requirements:  
{further information will be available at the meeting}

14. Evidence regarding the need for RESIDENTIAL RECOVERY CENTERS is as follows:

- A. The Illinois Department of Human Services, Division of Alcoholism and Substance Abuse provides a list of Licensed Sites pursuant to 20 ILCS 310/ on their webpage at <http://www.dhs.state.il.us/page.aspx?item=29725>.

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ITEM 14. CONTINUED

- B. As indicated by the list of Licensed Sites there are currently no state licensed Recovery Homes in Champaign County, and there are only two licensed Recovery Homes in East Central Illinois, both located in Charleston.
  - C. Outside of Cook County and the collar counties, there are only eight licensed Recovery Homes in the state.
  - D. Testimony regarding the need for RESIDENTIAL RECOVERY CENTERS:  
*{further information will be available at the meeting}*
15. Testimony from concerned Champaign County land owners:  
*{further information will be available at the meeting}*

**DOCUMENTS OF RECORD**

1. Memo to Champaign County Board Committee of the Whole regarding Zoning Ordinance text amendment for “Residential Recovery Center,” dated April 23, 2010
2. Application for Text Amendment from Zoning Administrator, dated March 11, 2010
3. Preliminary Memorandum for Case 668-AT-10, dated May 21, 2010, with attachments:
  - A Memo to Champaign County Board Committee of the Whole regarding Zoning Ordinance text amendment for “Residential Recovery Center”
  - B Tables Summarizing Zoning Requirements for Similar Use in Champaign and Urbana
  - C Table 3. Comparison of Proposed County Ordinance with Existing Municipal Requirements
  - D Various Excerpts from 77 Ill. Admin. Code Part 2060
  - E Proposed Draft Amendment
  - F Goals, Objectives, and Policies of the Champaign County Land Resource Management Plan (included separately)
4. Supplemental Memorandum for Case 668-AT-10, dated May 27, 2010, with attachments:
  - A Letter from Rob Kowalski, Assistant Planning Director, City of Champaign, received on May 26, 2010
  - B Email from Robert Myers, Planning Manager, City of Urbana, received May 27, 2010
  - C Relevant Definitions from Champaign and Urbana Zoning Ordinances
  - D Revised Table 3. Comparison of Proposed County Ordinance with Existing Municipal Requirements
  - E Excerpt from the Community Living Facilities Act (210 ILCS 35/)
  - F Excerpt from the Community Living Facilities Code (77 Ill. Admin. Code 370)
5. Supplemental Memorandum for Case 668-AT-10, dated June 11, 2010, with attachments:
  - A Letter from Carl Webber, received on June 7, 2010
  - B Alternative Proposed Draft Amendment
  - C Draft Finding of Fact and Final Determination for Case 668-AT-10
6. Supplemental Memorandum for Case 668-AT-10, dated June 17, 2010, with attachments:
  - A Pages 45-49 of the Urbana Zoning Ordinance
  - B Revised Table 3. Comparison of Proposed County Ordinance with Existing Home Rule Municipality Requirements
  - C New & Revised Evidence for Finding of Fact for Case 668-AT-10
7. Supplemental Memorandum for Case 668-AT-10, dated July 9, 2010, with attachments:
  - A Letter from Carl Webber, received on July 6, 2010

Underline text indicates evidence to be added.

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

Underline text indicates evidence to be added.  
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**FINAL DETERMINATION**

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in **Case 668-AT-10** should *{**BE ENACTED / NOT BE ENACTED**}* by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Doug Bluhm, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Underline text indicates evidence to be added.  
~~Strikeout~~ text indicates evidence to be removed.