



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Jeff Engstrom, AICP, Planner I

DATE: July 30, 2010

SUBJECT: CCZBA-668-AT-10: Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance to allow Residential Recovery Centers as a Special Use in the AG-2 District.

Introduction and Background

The Champaign County Zoning Administrator is proposing a text amendment to the Champaign County Zoning Ordinance in CCZBA Case No. 668-AT-10. It is the Plan Commission's responsibility to review the proposed amendment to determine what, if any, impact it will have on the City, and to recommend to City Council whether or not to protest the proposed text amendment. Under state law, a municipal protest of the proposed amendment would require three-fourths super majority of affirmative votes for approval of the request at the County Board; otherwise, a simple majority would be required for County Board approval. The most recent version of the full text changes is attached as Exhibit A.

The purpose of this amendment is to allow a Residential Recovery Center (RRC) as a Special Use in the AG-2, Agricultural District in Champaign County. According to the Champaign County memorandum, a Residential Recovery Center is proposed to be defined as:

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.

Following is a description of the text amendment proposed.

- 1) Add Residential Recovery Center as a defined term in Section 3.**
- 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 certain standard conditions, in the AG-2 District.**
- 4) **Add Residential Recovery Center to Section 6.13 with standard conditions.**
- 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 a part of the Special Use Permit application.**

There are two sets of conditions proposed to allow RRCs. The first set of conditions, to be added to Section 5.2, cannot be waived. A Residential Recovery Center would only be allowed:

1. within the extraterritorial jurisdiction of a home-rule municipality;
2. on the same property as an existing church or temple; and
3. with a Special Use Permit.

The second set of proposed conditions are proposed to be placed Section 6.1.3, and could be waived as a part of the Special Use Permit approval process:

1. The property must be served by public transportation and the associated church or temple must be in a building which existed on October 10, 1973.
2. There is 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.
3. Minimum lot area is 20,000 square feet if served by a public sanitary sewer or 30,000 square feet plus 7,000 square feet per resident if not served by a public sewer.
4. The Residential Recovery Center must be operated as follows:
 - a. Supervision shall be provided by a responsible and qualified staff person, 24 hours per day, seven days per week.
 - b. On-site food service shall comply with the Champaign County Health Ordinance.
 - c. The use must be operated in accordance with the Alcoholism and Other Drug Abuse and Dependency Act, including obtaining any required license from the state.
5. No person shall occupy the Residential Recovery Center until it has been inspected and shown to meet the Building Code.

Champaign County staff memoranda concerning the proposed text amendment are included as Exhibits B and C. The Environmental Land-Use Committee (ELUC) is anticipated to review the

amendment at their meetings on August 3rd and September 7th, 2010. If forwarded, the amendment may be considered by the Champaign County Board on September 23rd, 2010.

Discussion

Typically, proposed Champaign County text amendments are of interest to the City of Urbana to the extent that they will affect zoning and land use development decisions within the City's 1 ½ mile extraterritorial jurisdiction (ETJ) and for their consistency with Urbana's Comprehensive Plan. The City has subdivision and land development jurisdiction within the ETJ area, while the County holds zoning jurisdiction in this area. It is therefore important that there be consistency between these two jurisdictions to the extent that certain regulations may overlap.

Under the City of Urbana Zoning Ordinance, the closest use to Residential Recovery Center is Dwelling, Home for Adjustment. Homes for Adjustment include dwellings such as residential rehabilitation centers, halfway houses, and crisis shelters. They are defined as:

1. 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
2. A dwelling to provide emergency shelter.

Homes for Adjustment are allowed by right in Urbana's R-5, R-6, R-6B, B-2, B-3, B-3U, B-4, and B-4E districts. They are also allowed with a Special Use Permit in the R-4, R-7, and MOR districts. They are not permitted in the City's AG, Agriculture District, while Residential Recovery Centers would only be allowed in the County AG-2 District. To this extent the proposed County zoning text amendment is not consistent with the City's Zoning Ordinance. However, the conditions of the County amendment have been designed so as to limit their impacts and the number of locations which qualify for a Residential Recover Center.

Only one property in Champaign County meets the proposed conditions for a Residential Recovery Center. This property is the Apostolic Life Church in Urbana's ETJ on North High Cross Road, located about one mile from city limits. The church has been operating a rehabilitation center, called Lifeline-Connect, for the past four years. The proposed amendment would allow this use to continue if issued a Special Use Permit. As indicated in the findings contained in the Champaign County memorandum, it is unlikely that this location would be annexed into the City because it is outside of the Urbana-Champaign Sanitary District service area. Since this existing rehabilitation center is the only Residential Recovery Center that would be allowed under the Champaign County Zoning Ordinance, the proposed text amendment will not directly adversely affect the City.

A stand-alone residential recovery center in AG districts could be viewed as incompatible with the City of Urbana's treatment of AG zoning. However, when operated in conjunction with a church use, and when explicitly part of the church's mission, a RRC could be considered as an extension of the church. Churches are allowed in agricultural districts only with a Special Use Permit under both Champaign County and Urbana Zoning Ordinances.

The County is proposing to allow Residential Recovery Center as a second principal use on a property that already contains a church or temple. In order to have Special Use conditions apply to RRCs, they must be a principal use and not an accessory use. Since the number of residents is limited to 10% of the occupancy of the church or temple (but no more than 25), Residential Recovery Centers will essentially function as an accessory use. As such, city staff recommends that City Council does not protest of this County zoning amendment on the condition that the number of residents is limited to 10% with a maximum of 25, and that the RRC serves the explicit mission of the church or temple.

Summary of Findings

1. The Champaign County Zoning Administrator is proposing a text amendment to the Champaign County Zoning Ordinance in CCZBA Case No. 668-AT-10 to define and allow Residential Recovery Centers as a Special Use in the County AG-2, Agricultural District, and impose conditions related to their approval.
2. The proposed text amendment is not entirely consistent with the Urbana Zoning Ordinance, in that it allows Residential Recovery Centers in agricultural districts, where the Urbana Zoning Ordinance allows equivalent uses only in business and high-density residential districts.
3. Under the proposed text amendment, only one site, the Apostolic Life Church at 2107 North High Cross Road, could qualify for a Residential Recovery Center.
4. The proposed zoning ordinance text amendment would not directly adversely affect the City of Urbana or the extra-territorial jurisdiction of the City of Urbana so long as the number of residents is limited to 10% of the occupancy of the associated church or temple, with a maximum of 25, and the RRC serves the explicit mission of the church or temple.

Options

The Plan Commission has the following options for recommendations to the City Council regarding proposed text amendments in CCZBA Case No. 668-AT-10:

1. Recommend to defeat a resolution of protest; or
2. Recommend to defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendments; or
3. Recommend to adopt a resolution of protest.

Staff Recommendation

Based on the findings above, Staff recommends that the Plan Commission forward this case to the City Council with a recommendation to **ADOPT a resolution of protest** for the proposed County Zoning Ordinance text amendment, which shall automatically be waived if the following conditions are included in the amendment:

1. The maximum number of residents for a Residential Recovery Center shall be limited to 10% of the occupancy of the worship area of the associated church or temple, up to 25 residents; and
2. That the Residential Recovery Center shall only be allowed when part of the church or temple's explicit mission.

Attachments: Exhibit A: Proposed Text Changes

Exhibit B: Supplemental Memorandum, dated July 9, 2010

Exhibit C: Minutes from County ZBA Hearings (5/27/10, 6/17/10, 7/15/10)

Exhibit D: Correspondence from Webber & Thies to Elizabeth Tyler

NOTE: Complete packets for all three Champaign County ZBA Meetings, including Findings of Fact, can be found at: <http://www.co.champaign.il.us/COUNTYBD/zbaagenda.htm#zba>

cc: John Hall, Champaign County Zoning Administrator