

MINUTES OF THE ZONING BOARD OF APPEALS

MEETING HELD ON MAY 20, 2021

The meeting was called to order by Chairman Hartman at 7:30 PM.

Roll call was taken: **Present: Boothman, Gibbs, Goessling, Hagenow, Hartman, Loerch and Poettker**
Absent: none

Chairman Hartman asked if there were any additions or corrections to the minutes of the March 18, 2021 meeting. Loerch was listed twice instead of Goessling in the vote of petition **Z-21-03-01**. Mr. Hartman was listed as making a statement for **Z-21-03-02**, that should be changed to Mr. Groves. Mr. Goessling moves to pass, Mr. Loerch second. Minutes pass with changes.

The Chairman asked if there were any citizens to address the Zoning Board of Appeals. There were none.

The Chairman also asked if there were any corrections or deletions to the agenda. There were none.

OLD BUSINESS:

The Chairman asked if there was any old business. There was none.

PETITIONS:

Z-21-05-01 Review and Comment on a Petition by Adrian and Leisa Martinez to consider a Zoning Text Amendment to have “Recovery Residences” added to Section 40-1-15 Definitions, and Section 40-2-3(B) as a Special Use in the B-2 General Business District.

Administrator Krebel stated that the required public notice was published in the April 20, 2021 edition of the Waterloo Republic Times as required. He also stated that he was in receipt of the receipt cards for the required certified mailing to the adjoining property owners

Chairman Hartman asked if anyone was present to speak for the petition.

Leisa Martinez, 4101 FF Road, Columbia, IL spoke for the petition. She introduced her husband and partner. She also provided examples of women who would be part of the center. Her examples were members of the community who both live and work in the community. All of them are from Monroe County. She feels that this is an opportunity to be a community to help others. She then mentioned the timeline of the type of uses that were set up in the neighborhood. She feels that their establishment would impact property values far less than the businesses that are already in the area. The program they are proposing is a 90-day program with no cell phones, no vehicles and the women will have been completely detoxed by the time they enter. They will have security cameras inside and out and a buzzer any time the doors open. They will have 24 residents maximum with 24-hour staff on site. She mentioned that other businesses that would be allowed in B-2 without approval, like a tavern or motel.

Mark Scoggins 439 Stogg St., Columbia IL. He is acting as the attorney for the Martinez family. He stated it is his personal commitment is to ensure that any restrictions are complied with and it will be a worthwhile project.

Timothy Gibson 1001 Shadow Ridge, O’Fallon, IL. John and Leisa’s pastor. Mr. Gibson addressed the Zoning Board to speak to the integrity and character of the petitioners.

Tracey Matthews Trost, 8338 Meadowfield Road, Waterloo, IL. She is a Certified Life Coach and has been touched by addiction. Ms. Trost mentioned that it is difficult to find the help needed for addicts. She mentioned that she moved from Chicago because she heard that Waterloo was helpful community. Ms. Trost mentioned that drug addiction is already in our community and this facility would help those in the community get the help they need. Ms. Trost believes the community would help serve others by accepting this facility.

Elisa Edwards 4927 Sportsman Rd, Waterloo, IL is a Masters level licensed counselor, practicing for 4-5 years. Ms. Edwards worked in a patient treatment facility and mentioned that those that want treatment just want their lives back and as a community we should help them. Ms. Edwards would like to see Waterloo as a community that supports helping others get their lives back.

Leigh McNicholas 706 South Market Street, Waterloo, IL. Ms. McNicholas mentioned that comments in Republic Times caused concerns, specifically that treatment centers do not have evidenced based research. There is evidence that the program does work. Ms. McNicholas mentioned that addiction does not know professions, races or genders. Rosedale is set up to support the rehab center. She would like to see Waterloo support this.

Mike Schneider 39 Country Club Lane, Waterloo, IL. Mr. Schneider mentioned that he was pointing out that the site-specific agenda item is not on the agenda, but that the petition is to put recovery residence in the special use permit. Mr. Schneider mentioned that the site-specific petition will be on the July meeting if the City Council approves this petition. Mr. Schneider felt that the site-specific comments should happen at that time

Mary McGinnis 7052 Fountain Creek Ridge Lane, Waterloo. Ms. McGinnis mentioned that no one is immune from this disease. She has had to take her daughter to many places. She doesn’t understand how there can be an issue with this in Waterloo. The addiction can start with pain pills like it did in her family. She feels the petitioners have done everything needed for the community to make the facility safe.

Kacey Luhr 1226 Remington Road, Waterloo, IL. Ms. Luhr mentioned that addicts can come from any social class and are in our community. She hopes that those that are opposed don't have a family member with addiction.

Adrian Martinez, 4101 FF Road, Columbia, IL lost his daughter 2 years ago to addiction, in those two years, the grief has been hell. He said that grief has been taken to help others. Mr. Martinez said the goal of the owners is to save other parents from grief and save these women and daughters from addiction and teach them how to get saved. Mr. Martinez moved to the area in 1999 and opened Metro East Power Haus to help the children have a place to play soccer. He has millions of dollars in Power Haus so he is a member of the community and understands the value. He will continue with this mission regardless of the outcome of the petition.

Robin Pratt 1012 Cottonwood Lane, Waterloo, IL has a son that was caught with drugs in high school. Ms. Pratt would like to see this come to Waterloo so the kids have a place to go to get help.

Chris Schenewerk 2621 Columbia Lakes Rd, Columbia IL says the fear and lack of knowledge are driving the differing opinions. Mr. Schenewerk got help from drug addiction through rehab doing a 90-day program. He says the best chance to get better is through rehabilitation. Mr. Schenewerk says we need to decide if we will continue down the path to help others. He has a lot of patients that come to him to get help from drug addiction. Mr. Schenewerk asked the board to use their heart.

Jason Jones 741 Hartman Lane, Waterloo, IL says the main argument against is fear of crime which may seem reasonable. Mr. Jones said research shows that around rehab facilities there is not an increase in crime, some show crime may be reduced in neighborhoods with rehab facilities. Mr. Jones said convenience and liquor stores actually have a higher crime rate.

Angela Bush, 1342 Stonefield Drive, Waterloo, IL struggled with addiction in Waterloo. She did not want to leave her community to get better. Ms. Bush also knew that where she went she would not be able to see her kids if she went away for rehab. She would trust her family with these petitioners. She would be proud to be a part of a community that would have this type of establishment. Ms. Bush said women that want to go to this establishment want to get better. She mentioned that she may have gotten better sooner if she had a location closer to home to get help.

Chairman Hartman asked three times if there was anyone else to speak for the petition. There were no further speakers.

Chairman Hartman asked if there was anyone to speak against the petition:

Administrator Krebel read a letter from Monica R. Baker, 146 Westview Pl. Waterloo, IL

Administrator Krebel read a letter from Clay & Debbie Dietz 151 Westview Place, Waterloo IL

Administrator Krebel read a petition from the homeowners from the subdivision, was signed by 72 residents, Administrator Krebel was able to provide a breakdown of the location of those residents within the subdivision.

Tina Kopp 405 Mockingbird Lane, Waterloo, IL spoke, saying she took the petition around and had it signed. She went door to door, only 5 or 6 said they didn't have an opinion, everyone else had an opinion. She said several residents are elderly and she has concerns about their safety and vulnerability. She said the elderly residents were concerned for their safety and security. She said that all the residents understand that there is a problem, but she isn't sure why this facility needs to be in Waterloo rather than greater Monroe County. She has concerns that the facility could be full of women not from Monroe County who could be coming from other states. She again mentioned that they understand the need, but they cherish where they live. Ms. Kopp is also concerned about the fenced in area and the difference in communication about methadone being administered.

Kurt Grosse, 215 Mueller Lane, Waterloo, IL has concerns about the definition and how it will be monitored. He was specifically concerned about the 60-90 days when previously the timeline was mentioned to up to 120 days. Mr. Grosse also has concerns about the medication. He said he has experience with medication administration. Mr. Grosse stated that the petitioners have stated that they were unsure how any medications would be administered. He questions who they answer to regarding drug administration.

Mr. Krebel made clarification about enforcement. He stated that it difficult to enforce issues indoors vs seeing things outside. He stated that outside activity would be easier to enforce.

Michael Beckerle 304 Leah Drive, Waterloo, IL is concerned about the oversight of the facility stating that the protocol and rules are not the same as the rules he has experienced. He questions if there will be oversight by the city or county. Mr. Beckerle mentioned that if it is just the rules of the petitioners with no oversight, we need to

very carefully word the code. Mr. Beckerle stated that he is not for or against the petition, but is concerned about the enforcement of the rules.

Mr. Krebel provided clarity, stating the recovery residence definition does include that the residence shall also meet the standards set for by NARR and be certified by the IAEC within 12 months. Rosedale House was reviewed after complaints were received.

John Moore 425 Mockingbird Lane, Waterloo, IL stated that his biggest concern is for those that will visit the home. Mr. Moore has three young daughters and wants to know if there can be a guarantee that nothing will happen to his daughters. He worries that something will happen to the children because of a crime of opportunity by the visitors.

Chairman Hartman asked three times if there was anyone else to speak against the petition. There were no further speakers

Chairman Hartman then opened the discussion to the board.

Mr. Loarch asked Mrs. Martinez to clarify the type of person the facility would accept. He specifically asked will the person be detoxed? Mrs. Martinez responded that no one can enter the facility until they are detoxed. Mrs. Martinez mentioned that her partner, Art Dino, has 5 years' experience placing individuals in the right facility. Mrs. Martinez mentioned that their facility would not be a medical facility. Mrs. Martinez also mentioned that the individual's mental health is a part of the program. She said if the individual has a dual diagnosis of mental health and addiction, they would be better served somewhere else. Mrs. Martinez said that they will accept any woman 18 years or older who is willing to accept the treatment and program. She emphasized that this is a voluntary program and anyone not serious about recovery would not choose their facility. Mrs. Martinez said her partner, Art Dino, will be the intake coordinator to determine who would be considered for the program.

Mr. Gibbs provided thoughts and notes. He thanked Planning Commission on their work to propose new definitions. Mr. Gibbs reminded the board that we are only discussing the first petition to approve B-2 as the correct zone for "recovery residence" as a special use, not the second. Based on his research Mr. Gibbs judges that there are several unknown and unknowable issues with these petitions. First, with reference to special use permit, from planning commission, and that all special use permits must consider the effect the proposal would have on the health, welfare, safety and comfort of area residents. Mr. Gibbs noted that the concerns from area residents were numerous. Mr. Gibbs stated that all B-2 zoned districts are small and all but one abuts residential areas. Mr. Gibbs second concern is that a special use permit is attached to the property and not the operators which leaves an acceptable, safe future operation unknown with potential problems for the City. Mr. Gibbs third concern came from the zoning text Article IX, Special Use Permit, Section 40-9-7 Conditions that the Zoning Board must consider in granting a Special Use Permit, which would cause Mr. Gibbs to have difficulty supporting the Special Use Permit for "Recovery Residence" in any of our B-2 zones.

Mr. Gibbs concludes based on those concerns the petition should not be allowed in a B-2 zoned district.

Nathan Rau, 505 Morrison Ave, Waterloo, IL Chair of Planning Commission responded to Mr. Gibbs statements. His opinion is that this petition needs to be separated from the individual petition. Mr. Rau stated that looking at the code as whole prior to considering a particular neighborhoods concerns based on this overall petition. Mr. Rau stated that the drug problem in Waterloo is shocking and he feels that big picture the need for this in the community is there. Mr. Rau stated that Planning commission feels that defining the special use allows for administration and monitoring. Mr. Rau stated that Planning Commission believes that the definition provides the safety and security for the residents around this recovery residence. Mr. Rau also stated that area residents can police the area and file grievances with the city if the definitions are not being met. Mr. Rau stated that defining this is the protection and that Planning Commission feels that B2 is the right place for this special use when comparing to the other permitted uses within B2.

Mr. Gibbs mentioned again that the B2 is not the place for this special use permit due to their size and abutment to a residential area.

Mr. Gibbs also mentioned that there are numerous businesses within permitted B2, but those uses also have other requirements.

Mr. Boothman spoke that he went through the code to determine where would be a better code to place this special use permit. Mr. Boothman stated that A1 is mentioned as a medical use and indicated that he felt a recovery residence would be better suited in an A-1 zone. Mr. Boothman also stated that the code also mentions that a living facility within A-1 needs 2 acres for the safety of internal and external residents. Mr. Boothman asked how oversight and guidance would be formed and who would oversee that? He also asked if the State of Illinois would provide certification of the facility?

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Mrs. Martinez responded that they will operate under the Recovery Residence of Illinois. She said the Planning Commission requires the NARR umbrella which would require a State Certification. Mrs. Martinez said that they had intended this certification all along.

Mr. Boothman asked if there would be any oversight after that certification. He asked who would be allowed to come in to help/support the center?

Mrs. Martinez said that the majority of the day would be peer supported. She said that they would bring in individuals certified to run AA meetings. Mrs. Martinez said that they have a member of their advisory board that is a licensed counselor. She said any medical or physiological needs would be an outside service. Mrs. Martinez said the service they would provide would help these women learn to be productive members of society and return to society as sober, productive members. She said the sober living house will be non-medical, but allow addicts to be around like-minded individuals.

Chairman Hartman asked if there was any further discussion

Mr. Loerch made a Motion to accept petition as recommended by the planning commission, Ms. Poettker seconded

Approving members: Loerch, Poettker

Rejecting members: Boothman, Gibbs, Goessling, Hagenow, Hartman

Motion Fails

NEW BUSINESS:

The Chairman asked if there was any new business. There was none.

COMMENTS:

The Chairman asked if there were any comments. There were none

Motion to adjourn the meeting at 9:05PM was made by Mr. Hagenow and seconded by Mr. Goessling.

**Respectfully Submitted,
Lauren Poettker**