

**MINUTES OF THE ZONING BOARD OF APPEALS
MEETING HELD ON JULY 21, 2021
AUDITORIUM OF WATERLOO HIGH SCHOOL**

The meeting was called to order by Chairman Hartman at 7:31 PM.

Roll call was taken: **Present: Boothman, Gibbs, Goessling, Hartman, Loerch and Poettker**

Absent:

Chairman Hartman asked if there were any additions or corrections to the minutes of the June 24, 2021 meeting.

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-21-07-01 Review and Comment on a Petition by the Adrian and Leisa Martinez to consider a Special Use Permit to allow for the operation of a Recovery Residence at 228 Mueller Lane (Parcel No. 07-25-101-025-000)

The Zoning administrator confirmed that all green cards were received for all adjacent properties and it was publicly posted in The Republic Times on June 28, 2021. The Zoning Administrator also clarified that green cards are sent to property owners and property owners would then be responsible for notifying the residents of the property.

The Chairman asked if anyone was present to speak for the petition:

Ms. Leisa Martinez 4011 FF Road, Columbia, IL, stated that they are applying for a SUP (Special Use Permit) for a women's recovery residence at the location complying with the NARR (National Alliance for Recovery Residences) requirements. Ms. Martinez stated that staff would be 24 hours per day, with a security system, privacy fence around the back of the property and the adjoining property. They will have 24 residents in the facility.

Amanda Chase 3120 Cedar Ridge Lane, Waterloo, IL, works at a local law firm. Ms. Chase stated that she has heard from the opponents of the petition that the neighbors want to live in a community that follows laws. Ms. Chase then referenced the legal brief sent to the Zoning Board regarding the Fair Housing Act. Individuals in recovery are covered under the Fair Housing Act. She stated that if the zoning district does not allow proper housing for these individuals the municipality could be subject to fair housing violations. Ms. Chase also wants to live in a community that would allow these individuals to have fair housing. Ms. Chase would like the board to consider approving this petition.

Betty Hummel 3751 Weber Road, St. Louis, MO began recovery 27 years ago and suggested that the Martinez family is offering the tools for women and mothers to put themselves first, stand up for themselves and take care of themselves so they can return to their families and take care of themselves as well as their family. Ms. Hummel stated that recovering addicts need these types of tools to not only recover from their addiction but to become productive citizens. Ms. Hummel says the Martinezes are offering basic life skills and a foundation to help the recovery residents move forward. Ms. Hummel feels it is a gift to have what the Martinez family is offering.

Madalyn McGinnis 20 Braddington Place, Columbia IL, is 2 years in recovery and from Monroe County. Ms. McGinnis compared Monroe County as a recovery desert (similar to a food desert). Ms. McGinnis indicated that everyone knows someone impacted by addiction and the community should support this. She stated that people are dying from the addiction epidemic. Ms. McGinnis stated that for her to get the help she needed, there were many roadblocks and this residence would allow people like her who are willing, to get the help they need. She stated that the community has a real chance to make a difference and save lives.

The Chairman asked twice more if anyone was present to speak for the petition

The Chairman asked if there was anyone to speak against the petition

Donna Ward, 323 Independence, Waterloo IL, has family members who have gone through recovery. Ms. Ward stated that she is not sure how the people can be vetted who will be visiting. Ms. Ward asked if there can be a guarantee that there will

be no one visiting who will want to get the women back on drugs. Ms. Ward believes we need this, but it should not be near residences. Ms. Ward stated the community has felt safe and she is not sure how they can still feel the same level of security if there are husbands, boyfriends and friends who would bring the drugs into the facility. Ms. Ward wants the children and everyone in the neighborhood to be safe. Ms. Ward stated that the city prison is not tucked away, but has security. Ms. Ward asked if the facility will have security, and if will there be someone to monitor what is going on? Ms. Ward questioned if security from the City Police would be increased. Ms. Ward stated that the petitioners cannot guarantee that someone will not bring drugs into the facility. Ms. Ward then offered a personal account of a visitor who brought drugs into a facility where her family member was working on recovery.

Jeff Wales 303 Independence Ave, Waterloo, IL, is an architect by trade who has been practicing for 25 years. Mr. Wales believes zoning is in his wheelhouse as he works with it for his profession. Mr. Wales stated that zoning is set up for what works and what doesn't within a community. Mr. Wales stated that it sometimes comes down to what feels right. Mr. Wales said he owns two lots in the subdivision and said it isn't a matter of not wanting it in Waterloo, but instead is it proper to have it located in a neighborhood? Mr. Wales mentioned that it was originally a nursing home and that use was helpful for the residents of the home and the neighborhood. Mr. Wales then questioned if there was no other place in Monroe County or Waterloo for a use like this. Mr. Wales stated that city planning has been done well thus far and would like to see that continue. Mr. Wales stated that he does not feel comfortable with this petition.

Mike Presson 327 Independence, Waterloo, IL, suggested calling the center Judas Center, because this petition has caused disorder in our city. Mr. Presson stated that the petitioners have pulled the discrimination card to get the city to do what they want. Mr. Presson wondered if the board was aware of the Fair Housing Act law. Mr. Presson questioned the true plan for the facility and suggested that there is no experience by the petitioners for this type of facility. Mr. Presson suggested that good intentions will not make this facility successful. Mr. Presson shared that he had a brother die from drugs and that his family struggled with his death for a long time. Mr. Presson stated that they eventually understood that his brother did it to himself. Mr. Presson also shared that he was involved in church, and had several role models who helped him learn to drink responsibility.

Jim Rapp 1041 Illinois Ave, Waterloo, IL, shared that he was at the July 20th Planning Commission meeting. Mr. Rapp suggested that the Planning Commission was afraid of a lawsuit. Mr. Rapp believes the residents have rights also. Mr. Rapp mentioned the petition against this SUP which was from the neighborhood and stated that other petitions for the SUP were not entirely Waterloo residents. Mr. Rapp stated that he has concerns with 2 workers managing 24 people within a Recovery Residence. Mr. Rapp questioned if the police department would be over used due to the extra support needed around the Recovery Residence. Mr. Rapp mentioned that this property has three street fronts and therefore has more exposure. Mr. Rapp also questioned if the 6-foot fences on the lot were actually allowed and if there would be obstruction from the fences. Mr. Rapp said the buses from the bus garage are not an issue as was suggested at the Planning Commission meeting. Mr. Rapp stated that the business does not fit the location.

The zoning administrator responded to the questions regarding the fence and potential obstruction. The fence would go in accord with zoning ordinances including a street setback of 40 feet.

Tina Kopp 405 Mockingbird Lane, Waterloo, IL, was partially responsible for the petition against this SUP and stated that most of those residents live on, or right near the facility. Ms. Kopp feels Mr. Deno misled people by indicating that he has experience with day-to-day issues in a recovery residence. Ms. Kopp then stated that the Martinez's run a soccer facility, but have no experience in this type of residence. Ms. Kopp also stated that neither potential owner lives in the city and therefore do not have as much buy in as the neighborhood. Ms. Kopp also stated that she believes that the fact that there will not be medical personnel on staff will cause issues.

Stefanie Hunter 701 Elaine Drive, Waterloo, IL and Business address 215 Westview Plaza Drive, Waterloo, IL, stated that she is a young business owner. Ms. Hunter stated that her salon has been in Waterloo for 3 years. She stated that she had bought an existing hair salon to start her business. Ms. Hunter stated that she took a massive hit during COVID, losing a lot of staff and going into debt. Ms. Hunter stated that she then struggled to pull business up to six figure revenue per year. Ms. Hunter stated that she fought through COVID and is now being asked to fight through a business such as this next to her business. Ms. Hunter stated that the privacy fence will keep her business from being seen from the road. She also stated that she has concerns about her patrons and her children who are dropped off at her business. Ms. Hunter stated that when she was seeking a rehab facility, she was seeking one outside her community for anonymity.

Mary Nelson 309 Liberty Court, Waterloo, IL lives in the subdivision. Ms. Nelson stated that she moved here 8 years ago because it was a safe community. Ms. Nelson informed the board that she has two sons who would be allowed to ride their bikes outside her vision, but with this facility, she would not feel safe to let her sons ride around the neighborhood or go to visit their friends. Ms. Nelson agrees that this facility is needed, but in a subdivision with children is not the place for it.

Lois Linton 327 Independence, Waterloo, IL, has been to all but two meetings, and questioned if the two minutes was enforced for the pro side. Ms. Linton stated that she has done research on these types of facilities in the area. Ms. Linton stated that there are 24 of these residences in the area and because of this she believes this is not needed in the Waterloo community. Ms. Linton shared that she would not have purchased her house if she knew this was in the plan. Ms. Linton stated that she does not believe this belongs in the community and does not trust the business plan.

Chris Naumann 221 Mueller Lane, Waterloo, IL, has concerns about staffing of 2 staff per 24 residents. Mr. Naumann suggested that the night staff would have beds and questions if the night staff might be sleeping while on duty. Mr. Naumann then stated that it is already difficult to get people to work because of COVID so he questioned how the petitioners would find the right staffing for the facility. Mr. Naumann also stated that he has concerns about property values stating that property values go down in the areas around a Recovery Residence. Mr. Naumann questions if he would be able to get a renter if the SUP were approved and his property was near a Recovery Residence. Mr. Naumann suggested that this is not the right location for the purpose.

The Chairman asked again if there was anyone to speak against the petition

Debbie Stegall 223 Mockingbird Lane, Waterloo, IL, stated that she has nothing against what the petitioners are trying to do, but the fact that this property has to be rezoned to make that happen indicates that this is not the right location. Ms. Stegall stated that she bought her home 20 years ago. Ms. Stegall stated that she would like the board to consider that if rezoning has to be done to make this happen then it is not the right location for it.

The zoning administrator explained that this would still be B-2 Zone, but this was a Special Use Permit within that B-2 zone.

Chairman Hartman explained that this meeting was for approval of the special use permit. Mr. Gibbs explained that the City Council approved the Recovery Residence as a SUP in the B-2 district.

Esther Keefe 1017 Triple Down Trail, Waterloo, IL asked if the Zoning Board would vote at this meeting on this SUP. Ms. Keefe also asked if the results of the vote would be shared tonight. Chairman Hartman confirmed that the vote would take place tonight and it will be known how that vote went.

Toni Gamblin 5352 Lemman Road, Waterloo, IL questioned what this will do to local property values. Ms. Gamblin also questioned why the petitioners would want a facility in a location if the neighbors do not support it. Ms. Gamblin suggested that this location is not the proper place for this use.

Jon Kopp 405 Mockingbird Lane, Waterloo, IL questions what the screening process will be for the residents. As an example, Mr. Kopp asked if sex offenders would be allowed to reside here. Mr. Kopp asked if the petitioners are aware that sex offenders are required to be listed if they will be at a residence more than three days. Mr. Kopp also stated that sex offenders also cannot be within close proximity to a bus garage, which this Recovery Residence would be. Mr. Kopp also has concerns about the parking lot and considers the lot and building to be insufficient size for this use. Mr. Kopp stated that the neighbors never said the Recovery Residence should not be in Waterloo, but stated it should be in a better location and facility for this use.

Mary Ellen Boyer 1036 Westfallen Lake Drive, Waterloo, IL questions if anyone would want their investment properties and children and grandchildren within this neighborhood if the SUP is granted. Ms. Boyer stated that the location is right next door to her residence. Ms. Boyer questions if anyone will rent the duplexes and suggested that there would be a trickle down threat to the neighborhood. Ms. Boyer expects that this will impact the property values within the neighborhood and suggested that this does not belong in the subdivision. Ms. Boyer stated that there are tons of kids in the neighborhood and children should be able to play freely.

Kris Feldmeyer 1008 Turtle Dove Trail, Waterloo, IL stated her main concern is not only the residential value, but that less than 2 blocks away are the little league fields. Ms. Feldmeyer stated that she does not think this should be that close to the children's fields.

Matt Busby 1029 Turtle Dove Trail, Waterloo, IL, stated that he lives within the subdivision and has concerns about the safety of the families in the neighborhood as well as the property values. Mr. Busby stated that he pays his taxes and expects certain services and safeties within his neighborhood for doing so. Mr. Busby stated that he thinks it is a good idea, but a very bad location.

Jon Kopp 123 Fairway Drive, Waterloo, IL stated that he had a question for Mrs. Martinez which was what their qualifications are for running this facility? Mr. Kopp also questions how Mr. Deno gets the patients that he would be sending to the facility. Chairman Hartman stated that the board would keep those questions in mind during their deliberations.

Tyler Kostecki 304 Liberty Court, Waterloo, IL stated that he has great concerns about the facility. Mr. Kostecki stated that he doesn't think the Recovery Residence belongs in the location. Mr. Kostecki shared that he has two young children and one on the way. Mr. Kostecki also shared that his wife and children walk the neighborhood. Mr. Kostecki has concerns about someone bringing drugs back to the facility and a resident of the facility relapses and then makes a mistake which puts a family or children in danger. Mr. Kostecki stated that he agrees that it is needed, but that this is not the right location.

Josh Busby 1011 Westfallen Lake Drive, Waterloo, IL stated that he has never heard a negative thing about the Martinez family, but does not think this is the right location for this type of business. Mr. Busby shared that he has been in their shoes in another community. He shared that the Zoning Board he was petitioning did not grant their petition. Mr. Busby stated that he and his company found a different location and were happy to have found the new location. Mr. Busby stated that he is hoping that will be the case for this Recovery Residence. Mr. Busby stated that he thinks it is an excellent business and a great opportunity for a lot of people, but it is not the right location for this facility.

The Chairman asked three additional times if anyone else wanted to speak against the petition.

The Chairman then asked for discussion from the Zoning Board and the Zoning Administrator.

The Zoning Administrator, spoke that a building permit would be required and therefore the building would need to be brought up to code. The Zoning Administrator stated everything that will happen within the residence will be up to code and include the 13 conditions from the planning commission, the Zoning Administrator then went through the 13 conditions:

1. Barriers - Install fence per city ordinance. A 6-foot-tall privacy fence will be installed enclosing the entire back yard and the empty lot directly behind the property. The fence will be high quality white vinyl and professionally installed, meeting all city codes and setbacks (see attachment).
2. Inspections - City will inspect the inside and outside of the facility every 6 months
3. Security - A professionally installed security system will be added. - Alarms on all doors and windows throughout the building. - Security cameras in all common areas as well as full view of the outside of the property.
4. Type of facility – Women only.
5. Signage - No business signage allowed.
6. Medications - This will be a non-medical facility. Medications inside the facility are stored in a locked medication cabinet in the locked office.
7. Detox - Participants do not enter the program unless they have been through detox. There are no exceptions to this rule.
8. Participants will not work outside the program.
9. Participants will not have a vehicle, cell phone, or internet access.
10. Participants agree to only leave the facility for scheduled supervised outings.
11. Visitation to residence is only after 30 days in the program.
12. Visitation is scheduled on a rotating basis on Saturday and Sunday only.
13. All visitors are prescreened and approved by center management.

The zoning administrator then read the definition of recovery residence passed by the Planning Commission and City Council:

A non-profit facility that offers a safe, sober, and healthy living environment that promotes recovery from alcohol and other drug use associated problems. Clients must be voluntary (not required as part of a prison sentence) and

only permitted to leave the residence under direct supervision of employees. The facility must have employees on premises 24 hours a day, 7 days a week.

The minimum planned program stay shall be 60 days, and the maximum planned program stay shall be 90 days.

Locations shall not exceed 24 residents at any given time. Visitors shall be limited to one visit per resident per week to minimize the traffic effects on the area. The residence shall also meet the standards set for by the NARR and be certified by the IAEC within 12 months.

The Zoning Administrator also mentioned that he has received many emails for and against this petition which were forwarded to the Planning Commission and Zoning Board. The Zoning Board members confirmed they had read them and therefore they would not be read at the meeting, but would be included with these minutes.

Mr. Gibbs mentioned that he had attended all meetings regarding this petition. Mr. Gibbs asked the petitioners to expand their meaning of non-profit as it pertains to their facility. Mrs. Martinez, said there were 3 steps for application for non-profit, the first was to get the non-profit status in IL which required their By-Laws and Articles of Incorporation, they then had to get a Federal Tax ID and finally be recognized by the State of Illinois. Ms. Martinez stated that they will operate as a charitable entity under the 501c3

Mr. Gibbs also asked the Martinez family to provide more details on the security that they will use, specifically on the 13 windows that would not be obstructed. Mrs. Martinez responded that she would pull up the bid from the security company to respond. She mentioned that there are 28 windows in the facility. Ms. Martinez stated that each window will be armed with a sensor that will provide an audible alarm inside the facility if the window is opened. Ms. Martinez stated that the four doors would also have the sensor with an audible alarm. Ms. Martinez stated that those sensors will be monitored overnight by an outside company. Ms. Martinez stated that during the day the audible alarm will allow the staff to know when a door or window is opened. Mr. Hartman mentioned that most alarms are for someone breaking in, once the alarm sounds, the person would already be out of the building.

Mr. Gibbs asked when the police would be called for an alarm. Ms. Martinez stated that when the alarm is armed, it will go directly to the police department.

Chairman Hartman asked The Chairman of the Planning Commission if he had any comments.

Nathan Rau, 505 Morrison Ave, Waterloo, IL and Chairman of the Planning Commission was asked by Mr. Gibbs why the Advisory Report from Planning Commission to Zoning Board stated that there were no negative aspects to this facility. Mr. Gibbs noted that there were many people to speak against the petition at the Planning Commission meeting. Mr. Rau stated that recovery residence is allowed as a SUP in a B-2 district. Mr. Rau then mentioned the several examples of where these facilities are which were provided in the packets to both the Planning Commission and the Zoning Board. Mr. Rau stated that he has not seen any studies or evidence of actual facilities seeing the concerns that people are expressing. Mr. Rau stated that this type of facility would likely be less detrimental than other uses within B-2. Mr. Rau mentioned that the building was originally used for disabled people. Mr. Rau stated that the Planning Commission felt that versus a motel or other B-2 approved uses, this use would allow the neighborhood to remain in-tact because the residents of this facility would be indoors and the traffic would be less. Mr. Rau also mentioned that some of the language in the advisory form are difficult to complete and fully provide the feeling of the comments at the meeting. Mr. Rau mentioned that the water tower was an example where people spoke against the petition, but the Planning Commission approved it and the Zoning Board unanimously approved it. Mr. Rau stated that the Planning Commission could not see strong evidence for the safety issue. Mr. Rau stated that he believes the conditions read were used to address all the concerns that the community had with security, parking, etc. Mr. Rau stated that those conditions were the Planning Commission's effort to appease the citizens who spoke against the SUP. Mr. Rau also referenced the potential discrimination lawsuit, stating that this was a factor in the decision, but not the only factor. Mr. Rau stated that it has to be considered if something would be illegal.

Mr. Gibbs mentioned that examples of recovery residences were in both residential areas as well as outside residential areas. Mr. Gibbs referenced #3 on the Advisory Report, "The effect the proposal would have on the health, welfare, safety, morals, and comfort of area residents would be Negligible/Positive/Negative/Potentially Negative" should have had a response of "Potentially Negative" rather than the "Negligible" response provided by Planning Commission. Mr. Gibbs also referenced #4 on the Advisory Report, "The effect of the proposal would have on schools, traffic, streets, shopping, public utilities, and adjacent properties would be Negligible/Positive/Negative/Potentially Negative" should have had the response of "Potentially Negative" rather than the "Negligible" response provided by the Planning Commission. Mr. Rau responded that the opinion of the Planning Commission was that 24 people who are fully detoxed in a facility with the security that would be in place,

who were there voluntarily would not pose a safety issue to the neighborhood. Mr. Rau admitted that he could not guarantee the safety, but that the SUP for the Water Tower (passed during the June Zoning Board meeting) was not treated the same way and he has concerns about the consistency. Mr. Gibbs responded that the water tower was a different issue with fewer nuances. Mr. Rau responded that the conditions on this petition are extraordinary especially in comparison to other petitions. Mr. Gibbs mentioned that he would be proposing additional conditions to those provided by Planning Commission. Mr. Gibbs then thanked Mr. Rau for their hard work on the Planning Commission. Mr. Rau thanked the Zoning Board for their hard work and research on this issue.

Mr. Boothman asked Ms. Chase that had spoken for the petition and sent the letter regarding the Fair Housing Act to provide a definition of reasonable accommodations. Ms. Chase said she would feel better providing an example if she had her notes. She mentioned that she had provided examples in her letter. Mr. Boothman mentioned that he read her letter, but he didn't get a clear idea of what reasonable accommodations were. Mr. Boothman asked what the community/zoning board would provide that would constitute a reasonable accommodation. Ms. Chase provided a response that there are negatives of not providing the residence just because it is in a residential area. Mr. Boothman asked if not approving this petition would be consistent with not allowing a reasonable accommodation. Mr. Boothman asked if some of the items set by the Planning Commission would be considered unreasonable accommodations. Ms. Chase responded that the Planning Commission had provided reasonable accommodations even with their additional requirements. The City Attorney had stepped out of the meeting. Ms. Chase stated that she was uncomfortable being asked questions without the City Attorney present. Mr. Boothman asked questions of Mrs. Martinez if alcohol and drug use was considered an illness, she responded it was. Mr. Boothman mentioned that a convalescent is a person recovering from an illness. Mr. Boothman stated that the Zoning Text even before the amendments from the City Council, mentioned that Zone A-1 would allow a convalescent home. Mr. Boothman asked the size of the living space. Mrs. Martinez stated that was in the original paperwork provided, but the location would allow for up to 50 residents. The Zoning Administrator confirmed the statement. Mrs. Martinez then described the facility, with a large shared space and 16 suite type rooms, each room has a bathroom and a kitchenette. At this point the City Attorney had returned to the meeting. Mr. Boothman then asked Ms. Chase what was the result of the case that was presented to the Zoning Board in her letter. Ms. Chase stated that it was still pending. Ms. Chase read a definition of reasonable accommodation; that a change, exception or accommodation in application would allow these residents to live within the community.

Mr. Hagenow asked Ms. Chase about a disability definition from the office of civil rights, stating that he has a conflict when he looks at Social Security disability, that drug recovery is not covered under Social Security. Ms. Chase stated that a disabled person under the Fair Housing Act is completely different from Social Security. Ms. Chase stated that the Fair Housing Act covers people in drug recovery and since these residents have been through detox and would be in recovery, they would be covered under the Fair Housing Act. Mr. Hagenow asked if all 24 residents are still covered if one individual is in residence but is using. Mr. Hagenow restated that if someone was found to be using within the facility, would they still be covered under the Fair Housing Act. Ms. Chase stated that she believed that they would still be covered if they were using within the facility. Mr. Hagenow then asked question of the petitioners regarding the business plan, asking about the 5 full time staff, 4 part time staff and peer staff, asking what the certification or qualifications would be of the full-time staff. Ms. Deno said that there are qualifications for a residence like this like, they need NARCAN training, CPR training and other certifications, most of the people on their full-time staff would have these qualifications. Ms. Deno then stated that Mr. Deno has been doing this for 10 years and has been within multiple facilities, his success rate is 80% and that he is qualified and he has to be certified to do what he is doing. Ms. Deno also mentioned that Mr. Deno has an office in St. Louis. Mr. Hagenow then asked about the residents doing their own food prep and asked if there would be a certified food prep chef. Mrs. Martinez responded that it is not required per John Wagner.

Mr. Hartman then asked how they will fill the positions since there is an employee shortage. Mrs. Martinez restated that the property was zoned B-2 before the houses were there. She then provided some businesses that could move in to the B-2 zone tomorrow without any public input or oversight. Mrs. Martinez asked the Board if there would be these conversations if this were for a bar. She stated that the assumption would be made that they would operate as a legitimate business that would follow the rules. Mrs. Martinez also spoke about the public petition with signatures in favor of the Recovery Residence. Mrs. Martinez stated that she believed that 195 signatures had Waterloo addresses. Mrs. Martinez stated that the concerns seem to be safety, traffic and property values. Mrs. Martinez mentioned the school bus garage, and the activities that take place from it, she also mentioned the storage units and the activities/traffic that take place with it such as it being not monitored and no fencing and that only a name, number and emergency contact is needed to rent a unit there. Mrs. Martinez also mentioned the county recycling center and the activity or traffic associated with that facility. Mrs. Martinez stated that the homes on Mueller Lane and West Fallen Lake were built after the B2 Zone was put in place. Mrs. Martinez stated that she has a hard time understanding how 24 women in a residence with all the security they would have and no vehicles, pose more danger or

are more disruptive than the businesses or possible businesses. Mrs. Martinez also referenced ADA which covers those in recovery. She asked the board to prevent the negative opinions from impacting the City of Waterloo or their mission. Mr. Martinez also mentioned that HSS has imbedded support housing within Monroe County and it is not a problem.

Mr. Hagenow had an additional question about the NARR and if the emergency plan had to be enumerated within the petition contingencies. Mrs. Martinez said they would go through the checklist provided which would include an emergency plan. Mrs. Martinez also mentioned that there is also a good neighbor portion with which they would also comply. Mrs. Martinez mentioned that those things are not in place yet, but will be for the NARR certification. Mr. Hagenow then asked about a certification process for a licensed counselor listed in the NARR. Mrs. Martinez said they would fall somewhere between 2 and 3, but their certification will probably a level 2. Mr. Hagenow asked if there was a certification process for the House Manager listed in the NARR requirements for Level 2. Mrs. Martinez mentioned that there would be a certification.

The Zoning Administrator commented on the building code which stated that the facility could house up to 50 residents. He mentioned that the Zoning Code references 1 occupant per 200 sq ft, but the city ordinance is a little different for this type of facility. The Zoning Administrator quoted the Zoning Code book “in all other zoning districts shall be 1000 sq ft per person and 750 sq ft for apartment units”. The Zoning Administrator stated that this was to be treated as a business rather than an apartment unit.

Ms. Poettker asked for confirmation that this Recovery Residence would operate under Level 2 of the NARR. Mrs. Martinez confirmed this. Ms. Poettker then asked if the bi-annual inspections would be planned or random. The Zoning Administrator responded that they would be random.

Mr. Gibbs commented that the Planning Commission, City Council and Zoning Board were apprised of the potential discrimination lawsuit and were now in the difficult position to decide which risk to take. Mr. Gibbs proposed the following conditions:

1. All clients shall be female
2. There shall be no external signage
3. The proposed privacy fence shall be 6’ high, of vinyl construction and installed in compliance with City codes, easements and setbacks. Additional exterior security measures shall include natural barrier evergreen landscaping that will grow to a minimum of 10 feet between the fence and the established property easements. (Note that this condition was discussed at the Planning Commission meeting and rejected. However, we have been provided ordinance information from the City of O’Fallon, IL that includes that requirement. I would suggest that the architect selected to bring the facility up to code compliances can best select and place that landscaping to best provide another layer of obscurity to this facility.)
4. The parking lot shall be modified to comply with City ordinance. (At this point I think there is a compromise to be made between the landscaping on the north side of the fence line and additional parking.)
5. All building improvements shall comply with current applicable building codes.
6. The facility shall be inspected at six-month intervals by the City of Waterloo Building Inspector to assure building code compliance, operating compliance in accord with the definition of “Recovery Residence”, and compliance with all conditions as included in the Special Use Permit.
7. A professionally installed security system shall be installed which shall include alarm sensors on all windows and doors, security cameras in all internal common areas, and outdoor cameras to monitor the building perimeter and outside property.
8. The facility is understood to be a non-medical facility. All medications inside the facility shall be stored in a locked medication only cabinet located in a locked office.
9. All visitors shall be prescreened and approved by facility management prior to entry.
10. Clients shall not enter the program unless they have been certified as detoxed.
11. Clients shall not be permitted to work outside of the program
12. Clients shall not have a vehicle, a cell phone or internet access.
13. Clients shall agree to only leave the facility for scheduled and supervised outings
14. Clients shall be allowed one visitor per week on strictly a rotating Saturday and Sunday schedule and only after successfully completing 30 days in the program.
15. The Special Use Permit shall be limited to the current petitioners and shall not be extended to any future owners.

Ms. Poettker asked if the Zoning Code or the City Ordinance would take precedent regarding the parking requirements. The Zoning administrator stated that the city ordinance would take precedent unless it was changed in the special use permit. Mr.

Gibbs indicated that the city ordinance should be the condition rather than his condition. The Zoning administrator noted that the building code would be required regardless of statement in our condition. As such conditions 4 and 5 were stricken from the list.

The condition that the clients shall not enter the program unless they have been certified as detoxed will be changed to “Clients shall not enter the program unless they have documentation that they have been detoxed from a state or certified facility and will be drug tested upon entry to the facility”

The condition of “the Special Use Permit shall be limited to the current petitioners and shall not be extended to any future owners” will be changed to “The Special Use Permit shall be limited to the current petitioners and shall cease 6 months after ceasing operations or putting the property for sale”.

Mr. Hagenow noted respect for the Martinez’s and their cause, but asked how to address the homeowners who had concerns about their property values when we are also considering the possibility of a discrimination lawsuit. Mr. Hagenow also noted the Zoning Code for SUP and how those could be addressed within the code. Mr. Hagenow noted the studies within the information provided by the Martinez’s related to Baltimore and Seattle which are not like Waterloo. Mr. Hagenow also had additional concerns based on the conditions of a SUP. Mr. Hagenow questioned if there was truly a need for this facility due to Mr. Deno placing roughly 12 individuals in these types of facilities a month. Mr. Hagenow expressed concerns of the petitioners having the qualifications to safely run this type of facility noting that they had no prior experience.

Mr. Martinez mentioned that when he opened a soccer program at Power Haus he was not required to follow any conditions and there were a lot of conditions being placed on this petition.

Mr. Hartman asked if there was a motion to approve this petition.

Mr. Loerch motioned that petition Z-21-07-01 Review and Comment on a Petition by the Adrian and Leisa Martinez to consider a Special Use Permit to allow for the operation of a Recovery Residence at 228 Mueller Lane (Parcel No. 07-25-101-025-000) be approved with the following conditions:

1. All clients shall be female
2. There shall be no external signage
3. The proposed privacy fence shall be 6’ high, of vinyl construction and installed in compliance with City codes, easements and setbacks. Additional exterior security measures shall include natural barrier evergreen landscaping that will grow to a minimum of 10 feet between the fence and the established property easements.
4. The facility shall be inspected at six-month intervals by the City of Waterloo Building Inspector to assure building code compliance, operating compliance in accord with the definition of “Recovery Residence”, and compliance with all conditions as included in the Special Use Permit.
5. A professionally installed security system shall be installed which shall include alarm sensors on all windows and doors, security cameras in all internal common areas, and outdoor cameras to monitor the building perimeter and outside property.
6. The facility is understood to be a non-medical facility. All medications inside the facility shall be stored in a locked medication only cabinet located in a locked office.
7. All visitors shall be prescreened and approved by facility management prior to entry.
8. Clients shall not enter the program unless they have documentation that they have been detoxed from a state or certified facility and will be drug tested upon entry to the facility.
9. Clients shall not be permitted to work outside of the program
10. Clients shall not have a vehicle, a cell phone or internet access.
11. Clients shall agree to only leave the facility for scheduled and supervised outings
12. Clients shall be allowed one visitor per week on strictly a rotating Saturday and Sunday schedule and only after successfully completing 30 days in the program.
13. The Special Use Permit shall be limited to the current petitioners and shall cease 6 months after ceasing operations or putting the property for sale.

Ms. Poettker seconded the motion.

A Roll Call Vote was taken.

Approve: Loerch, Poettker, Boothman

Reject: Gibbs, Hagenow, Hartman, Goessling,

Motion Fails

NEW BUSINESS:

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

COMMENTS:

The Zoning Administrator stated that the meeting for August should be scheduled as normal for the third Thursday with 4 petitions, 2 special signage, 1 special use and the rezoning of two lots from B-2 to R-5

Motion to adjourn the meeting at 10:16PM was made by Mr. Hagenow and seconded by Mr. Goessling.

**Respectfully Submitted,
Lauren Poettker**