

**JOINT MEETING OF THE
PLAN COMMISSION AND
ZONING BOARD OF APPEALS
November 22, 1999**

Zoning Board of Appeals Members Present: Chairman Tom Hood, Ed Clark, Barbara Thoma, David Kauffman, and Stephen Park

Zoning Board of Appeals Members Absent: John Marcinkus

Plan Commission Members Present: Chairman Lyle Foster, Cheryl Ross, James Sula, and William Finn

Plan Commission Members Absent: Frank Papp, Bryan Winter, and Kathryn McDermott

Other Officials Present: Jon Wildenberg, Director of Building and Zoning; Tracy Velkover, Village Planner; Butch Maiden, Planning Consultant; and Kirk Skoog, Associate Planner

1. The meeting was called to order at 7:00 p.m.
2. Mr. Sula moved, seconded by Mr. Finn to approve the minutes of the Joint Plan Commission & Zoning Board of Appeals (PC/ZBA) Workshop of November 3, 1999.

Roll Call Vote:

Ayes: Foster, Ross, Sula, Finn

Nays: None

Motion Carried: 4-0

Mr. Park moved, seconded by Mr. Kauffman to approve the minutes of the PC/ZBA Workshop of November 3, 1999.

Roll Call Vote:

Ayes: Kauffman, Park

Nays: None

Abstained: Hood, Clark, Thoma

Motion Carried: 2-0

3. Discussion of Group Homes

Mr. Wildenberg summarized the group homes issues. He stated that a group home provider approached the Village in 1992 with a plan for a facility in Gurnee. Because our Zoning Ordinance does not address group homes, this issue was discussed jointly by the Plan Commission (PC) and Zoning Board of Appeals (ZBA). The PC and ZBA recommended text amendments in early 1993. These amendments were never forwarded onto the Village Board for adoption because the group home provider withdrew their interest in the Village. The issue is being raised again because the Village has been approached by another organization that is considering locating a group home in Gurnee. In addition, this issue has been identified for the update of our Zoning Ordinance because: 1) the Federal Fair Housing Act requires municipal ordinances to not be discriminatory, or have the effect of being discriminatory, in regulating the housing opportunities for persons with disabilities, and 2) the Illinois Community Residence Location Planning Act of 1989 requires home-rule communities to submit a plan addressing group homes for the disabled in their zoning ordinances.

Mr. Park asked about what changes are required. Mr. Maiden stated that the issue of group homes needs to be addressed by the Village for a full range of individuals. Mr. Sula asked if statutes have changed since 1993. Mr. Maiden stated that decisions made by the courts contradict each other. Mr. Park asked if they need to address building code issues as well as zoning issues. Mr. Wildenberg stated that they need to change the zoning text and reference the building codes in the text. The zoning ordinance already addresses care of senior citizens and day care operations; the group homes issue concerns persons with defined disabilities.

Ms. Velkover summarized the recommendations from the PC/ZBA in 1993. She read the proposed Village definitions of "community residence", "family", "persons with disabilities", "dwelling", "family community residence", and "group community residence". She explained that the PC and ZBA were recommending 2 types of group home facilities: family community residences (up to 6 disabled persons plus support staff) and group community residences (7-16 persons plus support staff). The smaller facilities, family community residences, were proposed as permitted uses in all residential zoning districts provided they meet certain criteria. They were allowed as special uses in the R-1, R-2, R-3 and R-4 districts if they could not meet the established criteria. The larger facilities, group community residences, were proposed as permitted uses in the R-5 and R-6 districts provided they could meet the same criteria. They were contemplated as special uses in these districts if they failed to meet the criteria. The criteria were: located at least 1,320 feet from any existing community residence, meets the Village's parking requirements, demonstrates that a license or certificate from the State has been obtained, and provides first preference for occupancy to residents or children or parents of residents of the Village.

Ms. Velkover indicated that there was discussion in 1993 about whether to include staff in the total number of people allowed in the facility. Ultimately, the PC & ZBA decided not to include staff in the total number because they felt that this action could violate the 1988 amendments to the Fair Housing Act by unintentionally discriminating against persons with severe disabilities.

Mr. Clark asked how these issues are addressed currently in the zoning ordinance. Ms. Velkover stated that the only thing that the Village has in its Zoning Ordinance that could be used to allow this type of facility in a residential district is our definition of "family". However, this definition is very restrictive because it allows only three unrelated persons the ability to live together as a single housekeeping unit.

Mr. Clark suggested making group homes a special use in all zones. Mr. Maiden stated that this is the Village's chance to state what is appropriate for this use. If a petitioner has to request a special use permit, they may decide that they may as well try to establish a more intensive use if they have to get a special use permit regardless.

Mr. Kauffman asked what level of neighborhood compatibility is achieved when establishing group homes. What is the physical impact on the neighborhood? Ms. Velkover stated that the parking situation is what usually alerts neighbors to the presence of a group home.

Mr. Finn asked how many staff are usually required if there are six severely disabled people in a home. Mr. Maiden stated that severely disabled people would be in a hospital. For moderately disabled people, the ratio of patients to staff is usually two to one. Ms. Thoma asked if alcoholism should be included in the definition of persons with disabilities. It was stated that most communities exclude substance abusers in the definition.

Mr. Foster stated that many of these homes utilize federal funds to supplement their budgets. While communities may state that they will give preference to residents of their communities, the acceptance of federal funds prohibits this practice. Mr. Foster asked if the amendments proposed in 1993 required any notification to area residents about the location of a group home if it was a permitted use. Ms. Velkover stated that under the language proposed in 1993, a group home that is a permitted use would not be required to notify surrounding property owners.

Mr. Sula stated that group homes is an issue of a permanent lifestyle; it is not a temporary situation. The Village should be protective of its single-family neighborhoods and try to ensure that these residents are going to be there long term. He expressed concern about half-way homes and homes for recovering alcoholics or drug addicts because of the transient nature of the residents. These types of homes should be not allowed in single family residential areas and may be more compatible with multi-family neighborhoods where there is more turnover of residents.

Mr. Clark asked Colleen Babington from Northpointe Achievement Center, a provider of group homes, if she found any of the ideas that had been discussed objectionable. Ms. Babington stated that everything seemed reasonable. She stated that Northpointe operates several group homes in Zion and they are looking at locating in other areas, including Gurnee. She indicated that the group home they are investigating establishing in Gurnee would be for developmentally disabled women.

Mr. Foster stated that agencies are concerned with regulations imposed, but they would also like to know that they have the blessing of the village or city. He supports the idea of notifying surrounding property owners about a proposed group home, even if it is a permitted use.

Ms. Babington was asked if the group homes they have established are tolerated by the community and the surrounding neighbors. Ms. Babington replied that some are accepting and some have issues. Northpointe encourages residents to call them if they have problems, so that a solution can be achieved.

Mr. Maiden stated that staff will research the issue of group homes further.

4. Discussion of East Grand Gateway

Ms. Velkover stated that staff has been working to inventory buildings, parking, and signage in the East Grand area. Approximately 350 pictures have been taken and sign permits have been pulled in order to determine sign heights, sizes and setbacks. They have noted the power lines, lack of green space, excessive signage, unscreened dumpsters, and other possible areas of concern. At the next meeting, more specific information will be provided and a slide presentation may be shown.

Mr. Foster asked what the reaction has been from businesses. Ms. Velkover stated that the Village Administrator's office sent letters out to the property owners in the area trying to solicit support for a businessman's group. She stated that she did not think the response was very good, but indicated that she could find out more information on this front.

Mr. Clark asked about how many businesses are in the area. Ms. Velkover stated that there are probably close to 100 businesses in this area. She noted that there are substantially fewer buildings and property owners.

Mr. Kauffman asked if there are aerial photos of this area. Ms. Velkover stated that there are photos from the early 1990s and that not a lot has changed since then. However, new aerial photos will be shot in about six months.

Mr. Maiden asked if the number of parking spaces in the area has been determined. Ms. Velkover stated that staff will be using old site plans, GIS and site visits to research a lot of these issues.

Mr. Maiden stated that some areas could be converted to uses with less parking (i.e. multi-family residential). The Village could consider changing the Sign Ordinance to relate signage to wall size instead of lot frontage. The Village may need to fund some improvements.

5. The next meeting was scheduled for 7:00 p.m. on January 10, 2000.

The meeting was adjourned at 8:15 p.m.

Submitted by,

Kirk Skoog, Secretary
Zoning Board of Appeals &
Plan Commission