

Welcome

&

Thank you for Coming

We are **NOT** here to debate the good intentions.....there is no debate

We are here to discuss and seek answers to the many unknowns.

This is what causes the greatest concern.

Today's Purpose

- To bring our community together to:
 - align on the critical facts
 - to present a position based on them
 - to acknowledge the emotional conflict many may face
 - to present a recommendation of retaining legal counsel
 - to identify supporters of this plan
 - and to ask for financial support

Agenda

Opening Comments – <i>Sheri Buergey</i>	<i>5 minutes</i>
The Facts – <i>Larry Schaedel</i>	<i>10 minutes</i>
Q&A	<i>10 minutes</i>
The Resulting Position – <i>Larry Schaedel & Dan Shapiro</i>	<i>20 minutes</i>
Q&A	<i>10 minutes</i>
Our Ask & Next Steps - <i>Doug Noland</i>	<i>10 minutes</i>
Closing Q&A and Support Instruction – <i>Sheri Buergey</i>	<i>10 minutes</i>

The Facts

Larry Schaedel

The Facts – The Big Picture

The Lake County Housing Authority (LCHA), in conjunction with PADS, is working to convert **Midlothian Manor** into **permanent housing for the chronically homeless with serious mental illness.**

PADS has been unable to identify any planned parameters, guidelines, procedures or regulations regarding the resident qualifications, their rules of residency, adherence and tolerance levels, levels of care, and safety measures.

PADS admits that they have **never managed this type of program within a low density residential neighborhood** before. It is the first and only instance of this type. Such Facilities are primarily located in high density areas with high public services and access.

The final step before this initiative becomes official is completing the application for an occupancy permit. Once applied for, it is granted as a simple administrative task, without county approvals required. **The process takes only 2 weeks to complete.**

The Facts – Our resources

- ✓ **Live and email conversations with:**

 - Village of Lake Zurich, Mayor and Trustees

 - Ela Township, Bill Kruckenber

 - Lake County Planning & Building Development, Eric Waggoner, Director

 - Lake County Board Members, Chuck Bartels and Craig Taylor

 - Lake County States Attorney's Office

 - Illinois House of Representative, Ed Sullivan, Jr.

 - Illinois Senator, Dan Duffy

- ✓ **Village meeting at Library with PADs and Lake County officials, January 12th**

- ✓ **Village Town Hall meeting with Mayor and Trustees, January 19th**

- ✓ **PADs Safe Haven Web-page**

- ✓ **Conversations and interview with more than 10 lawyers**

- ✓ **PADs job posting**

The Facts – Our actions to date

- ✓ Attended two public forums and multiple informal discussions
- ✓ Drafted & distributed information sheet and petition
- ✓ Drafted Letter itemizing some of our concerns
- ✓ Collected over 200 signatures
- ✓ Sent petition and Letter of concerns to:
 - Lake County Board
 - Lake County Planning and Building Development
 - Village of Lake Zurich
- ✓ Initiated ongoing community reach & awareness

The Facts – Primary Areas of Concern

- 1. Safety of Manor residents, local families, and children**
- 2. Lack of information and due process**
- 3. Location and zoning conflicts**

The Facts – Areas of Concern

1. Safety of Manor residents, local families, and children

- No sidewalks or public transportation increase safety risks and limit effective integration of manor residents in the community
- Proximity to school campus, soccer and softball fields
- Limited staff (2-3) with minimum requirements and experience
- Residents are free to come and go. Each unit has a sliding glass door for unmonitored exit and entry
- In non - high service area

There is insufficient information regarding the provision of adequate care, management, security, and protection at the facility and surrounding neighborhoods and schools

The Facts – Areas of Concern

2. Lack of Due Process

- No proactive intention to communicate, inform, or collaborate with community and residents to ensure seamless integration for all
- Unwillingness to “own” initiative by any agency involved
- The first opportunity to be heard in a public setting was organized by request, not proactively, and only 2 weeks ago
- Failed promise for open Q&A forum
- Answers to critical questions are either vague, conflicting or absent

The Facts – Areas of Concern

3. Location and zoning conflicts

- The Manor and most of our properties are located in an R-1 residential zoning district area
 - Low density
 - Large lot residential
 - Low priority for the provision of public services
- R-1 residential zoning districts:
 - Permit Assisted Care Facilities
 - Prohibit “Multi-Dwelling Structures” & “Group Living Facilities”
 - Allow “Government Use” but only in operations from 8:00am – 8:00pm
- There is a clear disconnect regarding the legal use of this facility for its proposed purpose

Q&A

10 Minutes

Any missed facts we should add?

What questions about the facts do you have?

The Resulting Position

Larry Schaedel and Attorney Greg Shapiro

The Resulting Position – Our Focus

Location and zoning conflicts

- The combination of “zones” and “use” are governed by law and intended to create accommodations and supporting infrastructures and to ensure clear protection of intended integrity
- There is a clear disconnect regarding the legal use of this facility for its proposed purpose
- That disconnect creates
 - severe safety, integration, and well-being concerns for all parties
 - significant justification to force a “pause” in the process

The Resulting Position – More on zoning

Lake County Planning and Building Development

- Responsible for carrying out the Uniform Development Ordinance (“UDO”)
- Under the UDO there are different type of Zoning Districts that allow and restrict the use of property
- Different Zoning Districts allow and exclude different “Uses”
- Different “Uses” are categorized into “Use Categories”

The Resulting Position – More on zoning

The Midlothian Manor Property

- Is within an R-1 Residential Zoning District (as is much of the surrounding property)
- R-1 Zoning Districts are intended to accommodate low-density residential, development and to ensure the protection of areas that develop in such a manner.
- Because of the relatively sparse population in R-1 zoned areas, the county will not give high priority to the provision of services.

The Resulting Position – More on zoning

Property Uses in R-1 Zoning

- **Household Living, Detached Residence - Permitted**
- **Assisted Living – Permitted with Review and Approval**
- **Household living, Multi-Dwelling Structure - Not Permitted**
- **Group Living – Not Permitted**
- **Government Use – Permitted with conditions – typically for the operations of the government**

The Resulting Position – More on zoning

Assisted Living Use Category



- Assisted Living may or may not include 24-hour care givers on site.
- The Assisted Living structure shall contain a common food preparation area and may contain individual kitchenettes for occupants.
- Other Illinois Law says 80% of residents must be over 55 years of age

The Resulting Position – More on zoning

Household Living Use Category

- Definition of “Household”
 - 2 or more persons related to one another by blood, marriage, or legal adoption, living together as a single housekeeping unit in a single dwelling unit;
 - up to 8 persons with physical or developmental disabilities and an attendant support staff living together as a single housekeeping unit in a single dwelling unit.



The Resulting Position – More on zoning

Group Living Use Category



- Definition of “Group Living Structure”
- Residential occupancy of a group of people who do not meet the definition of “Household Living”.
- Group living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of household living.
- Tenancy will be arranged on a monthly or longer basis.
- Residents may receive care, training, or treatment and care givers may reside at the site.
- Examples include dormitories, fraternities, sororities, monasteries and convents.

The Resulting Position – More on zoning

Government Use Category



- A building or structure owned or leased by a unit of government and used by the unit of government in exercising its statutory authority.
- Hours of operation shall be limited to 8 a.m. to 8 p.m.; any assembly occurring outside these established hours of operation shall require a temporary use permit
 - A maximum of 15 such events per calendar year (per zoning lot) shall be permitted.

The Resulting Position – Property History

- 1999 – Built, LCPBD says was “Sheltered Care Facility”
- 2000 – LC P/D says code was changed
- Early 2000’s operated as a “Assisted Care Facility” for a few years
- Property failed and owner appears to have lost property.
- Appears and said to be owned Lake County Housing Authority (LC H/A)
- Was operated by LC Housing Authority as an “Assisted Living Facility”
- LC P/D changed Use Category in November 2014

The Resulting Position – Summary

- The Property Use was allegedly never changed to from “Sheltered Care Facility ” in all the years that LC H/A owned it, even though it was operated by LC H/A for several years as an “ Assisted Living Facility”.
- The Property Use was never changed to “Government Use” in all the years it was used by LC H/A until 2014 (when they wanted to rent it to PADS), even though they had, or should have had, knowledge that LC H/A owned the property all those years.
- It wasn’t until November 2014 when they changed the Use to “Government Use”, which appears to be the only (or the best) way they could attempt to justify its use in our R-1 Residential Zoning Area.
- LCPBD Admits there are NO OTHER SIMILARLY USED FACILITIES within a lake county R-1 District.

The Resulting Position – Summary

- LCPBD stated it relied on consultation with the Lake County States Attorney's Office in establishing Use category.
- Lake County State's Attorney office cites the Illinois Housing Act as basis for Government Use.
- Illinois Housing Act says “ All projects of an authority shall be subject to the planning, zoning, sanitary, and building laws, ordinances and regulation and regulations applicable to the locality in which the project is to be situated”

Addressing Our Concerns – What can we do?

- Occupancy permit may be granted within 2 weeks
- We will not get adequate information in that time
- Once occupancy is granted, our hands will be tied
- Immediate action is required
- Best and recommended option is to file legal action and seek an injunction to slow down or halt the process

A legal perspective

Dan Shapiro

Q&A

10 Minutes

What questions do you have regarding the recommendation?

Our Ask & Next Steps

Doug Noland

Our Ask – Next Steps

- As a community, we deserve answers to our questions
- We need to slow this process down
- We must quickly secure an injunction
- Requires professional & highly qualified legal council familiar with the specifics of Lake County zoning issues

Please join us in ensuring open discussion and due process. The safety and well being of these potential patient/residents as well as the children and families of Lake Zurich deserve it.

Our Ask — Next Steps

- This going to take money!
- Let's Work together, strength in numbers
- GoFundMe fundraising page

Our Ask – Next Steps

- INITIAL GOAL- \$40K
 - Whatever it takes!
- Do it RIGHT:
 - *Unused funds or a portion of could go to support PADS?*
- CONTRIBUTE as you are able
- RECRUIT-- friends, family and neighbors
- URGENCY—We must act FAST!!!



Our Ask – How??

- Sign the commitment sheet and provide contact information
 - Volunteer and / or
 - Donate
- Take a GoFundMe instruction sheet with the donation process
- Continue to express your concerns to our public officials
- More information provided via email within 24 hours of this meeting including contact information, volunteer opportunities, methods of communication, updates on progress

Thank you very much