#2018-34
Senior Care Homes – Special Use Permit
Project Review for Planning and Zoning Commission

Meeting Date:	June 20, 2018 & **September 19, 2018**
Request:	Special Use Permit to allow a nursing care facility.
Location:	752 Saddle Ridge
Existing Zoning:	RE – Residential Estate
Surrounding Properties:	North: RE – Residential Estate South: RE – Residential Estate East: RE – Residential Estate West: McHenry County R-1 – Single-Family Residential
Staff Contact:	Kathryn Cowlin (815.356.3798)

Background:

- Existing Use: The subject property is single-family home in the Goerdt Subdivision.
- UDO Requirements: Nursing care facilities are required to obtain a special use permit. Nursing care facilities are permitted with a special use permit in the Farming, Office and all residential zoning districts.
- The UDO defines **nursing care facilities** as establishments primarily engaged in providing inpatient nursing and rehabilitative services. The care is generally provided for an extended period of time to individuals requiring nursing care. These establishments have a permanent core staff of registered or licensed practical nurses who, along with other staff, provide nursing and continuous personal care services. Examples include convalescent homes or convalescent hospitals (except psychiatric), nursing homes, homes for the elderly with nursing care, rest homes with nursing care, inpatient care hospices, etc.
- **Nursing care facilities** are distinct from a typical dwelling serving a **family**, as the UDO defines **family** as having various characteristics, including that residents are "living as a single not-for-profit housekeeping unit."

Development Analysis:

General

- Request: The petitioner is requesting a special use permit for a nursing care facility, utilizing the existing residence.

- Land Use: The Comprehensive Land Use map shows the area as Estate Residential which is an appropriate land use designation given the residential character of the area.
- Zoning: The site is zoned Residential Estate.

NURSING CARE FACILITY

- The petitioner describes the proposed use as a home care, assisted living and shared housing for seniors 55 years and older.
    - Daily assistance with bathing, nutrition, hydration, medication supervision and socialization will be provided.
    - **The petitioner has requested to limit the number of residents to five (5) unrelated seniors and one caretaker.**
- The home was built handicap accessible and has a total of 16 rooms with five bedrooms and 6.5 baths.
- The home would employ professional staff to assist in caring for the residents.
- The proposed use requires the special use permit for a nursing care facility since professional staff will be onsite.
- Nursing care facilities are permitted as a special use in all of the residential zoning districts. The specific special use permit criteria are listing in the Findings of Fact section of this report.



Comprehensive Land Use Plan 2030 Vision Summary Review:

The Comprehensive Plan designates the subject property as Estate Residential, which allows for existing and future single-family residential uses. The following goal is applicable to this request:

Land Use – Estate Residential

Goal: Encourage a diversity of high quality housing in appropriate locations throughout the city that supports a variety of lifestyles and invigorates community character.

This can be accomplished with the following supporting action:

Supporting Action: Preserve and enhance the character and livability of existing residential area with architectural and development guidelines. Promote safe, clean and well-maintained housing by encouraging regular repair and maintenance of housing.

Findings of Fact:

The petitioner has requested a Special Use Permit to allow a nursing care facility at the subject property. Special Uses require a separate review because of their potential to impact surrounding properties and the orderly development of the City. Section 2-400 B of the Unified Development

Ordinance establishes standard for all Special Uses in Crystal Lake. The criteria are as follows:

1. The use is necessary or desirable, at the proposed location, to provide a service or facility which will further the public convenience and general welfare.

   ☐ *Meets* ☐ *Does not meet*

2. The use will not be detrimental to area property values.

   ☐ *Meets* ☐ *Does not meet*

3. The use will comply with the zoning districts regulations.

   ☐ *Meets* ☐ *Does not meet*

4. The use will not negatively impact traffic circulation.

   ☐ *Meets* ☐ *Does not meet*

5. The use will not negatively impact public utilities or municipal service delivery systems. If required, the use will contribute financially to the upgrading of public utilities and municipal service delivery systems.

   ☐ *Meets* ☐ *Does not meet*

6. The use will not negatively impact the environment or be unsightly.

   ☐ *Meets* ☐ *Does not meet*

7. The use, where possible will preserve existing mature vegetation, and provide landscaping and architecture, which is aesthetically pleasing, compatible or complementary to surrounding properties and acceptable by community standards.

   ☐ *Meets* ☐ *Does not meet*

8. The use will meet requirements of all regulating governmental agencies.

   ☐ *Meets* ☐ *Does not meet*

9. The use will conform to any conditions approved as part of the issued Special Use Permit.

   ☐ *Meets* ☐ *Does not meet*

10. The use will conform to the regulations established for specific special uses, where applicable.

    ☐ *Meets* ☐ *Does not meet*

Nursing care facilities must also meet the following specific standards established in Section 2-400 of the Unified Development Ordinance. The criteria are as follows:

1. General: Applications for nursing care facilities and continuing care retirement communities shall include a description of the proposed use, including the maximum number of residents and the nature of the condition or circumstances for which care, or a planned treatment or training program will be provided, the number of staff and the name of the agency responsible for regulating or sponsoring the use.

   ☐ *Meets* ☐ *Does not meet*
   The home is restricted to five unrelated seniors.

2. Loading area: A drop-off/pick-up area in front of the building, that can accommodate at least one 20 feet long vehicle and exclusive of the required parking lot drive aisles, shall be provided. Depending on the facility size, a larger area may be required to accommodate additional vehicles.

   ☐ *Meets* ☐ *Does not meet*
   The home has a circle drive in addition to an extended driveway. A 20-foot drop-off area is accommodated by the circle drive.

3. Natural features: The development plan shall identify all natural features such as wetlands, water features, mature tree stands, steep slopes and, where feasible, preserve these existing natural features.

   ☐ *Meets* ☐ *Does not meet*

4. Recreational open space: Usable on-site open space appropriate to the needs of the residents and the nature of the care, treatment or training provided shall be provided.

   ☐ *Meets* ☐ *Does not meet*

5. Other applicable regulations: The proposed facility shall maintain all applicable licenses required by the appropriate agencies for the use described in the application.

   ☐ *Meets* ☐ *Does not meet*

Recommended Conditions:

If a motion to recommend approval of the petitioner's request is made, it should be with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
   A. Application (Therese Rubino-Goerdt, dated 05/23/18, received 05/29/18)
   B. Floor Plan (Therese Rubino-Goerdt, dated 05/23/18, received 05/29/18)

2. The subject property is limited to 6 residents including live-in staff.

3. All required State licensing shall be obtained and maintained, with applicant delivering evidence of such licensing to the City on an annual basis.

4. Required inspections for the elevator in the residence consistent with inspection standards for commercial elevators.

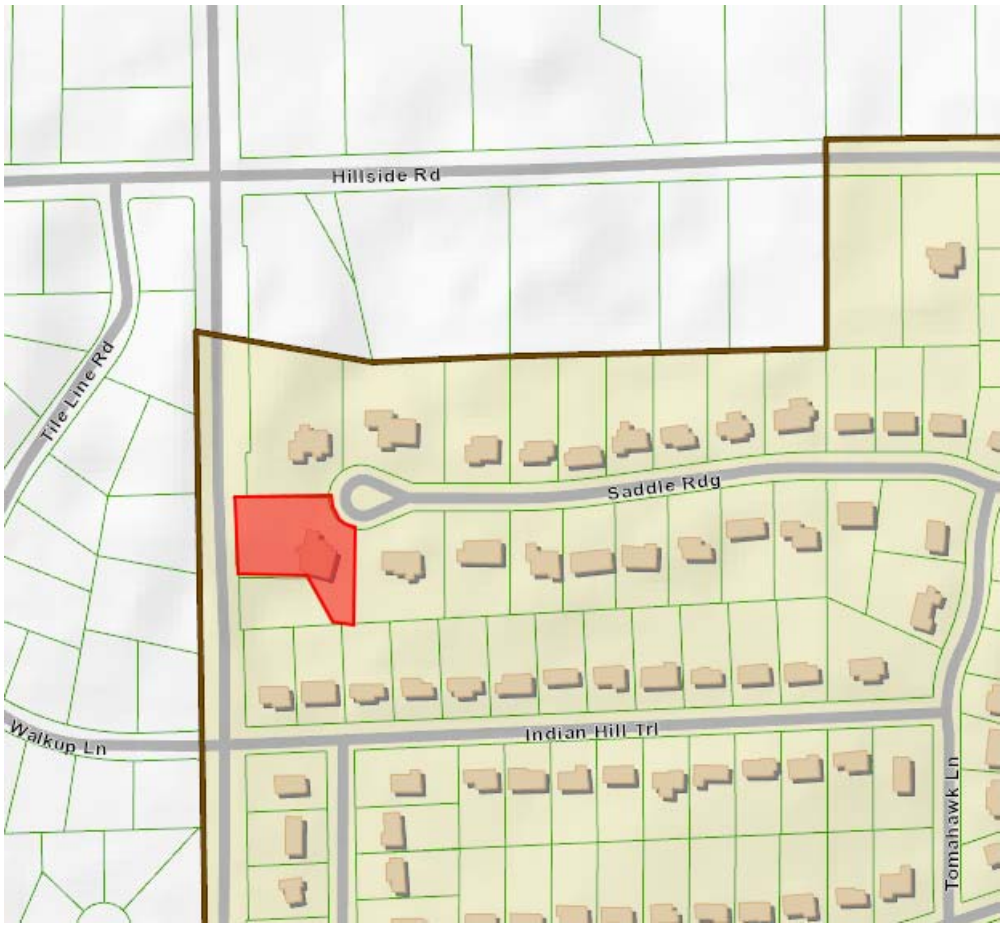
5. Outdoor recreation should be limited to the rear yard.

6. Any signage must comply with the UDO residential signs restrictions.

7. Visitors and staff must park in the driveway for the residence.

8. The petitioner shall address all of the review comments and requirements of the Community Development and Fire Rescue Departments.

PLN-2018-00034 SENIOR CARE HOMES – 752 SADDLE RIDGE





City of Crystal Lake
Development Application

Office Use Only
File # PLN-2018-00034

Project Title: Special Use for Senior Care Homes of Crystal Lake, In.

RECEIVED
MAY 29 2018
BY: .....

Action Requested

- ___ **Annexation**
- ___ **Comprehensive Plan Amendment**
- ___ **Conceptual PUD Review**
- ___ **Final PUD**
- ___ **Final PUD Amendment**
- ___ **Final Plat of Subdivision**
- ___ **Preliminary PUD**
- ___ **Preliminary Plat of Subdivision**
- ___ **Rezoning**
- _X_ **Special Use Permit**
- ___ **Variation**
- ___ **Other**

Petitioner Information

Name: Senior Care Homes of Crystal Lake
Therese Rubino-Goerdt

Address: 752 Saddle Ridge, Crystal Lake, 60012

Phone: 815-353-1515

Fax: 815-308-0035

E-mail: seniorcarehomescl@gmail.com

Owner Information (if different)

Name: Senior Health Properties, LLC

Address: 2706 Manitou Trail,
McHenry, IL 60051

Phone: 773-726-1006

Fax: 815-308-0035

E-mail: chuckamerican@att.net

Property Information

Project Description: Residential Home Care/Assisted Living/Shared Housing according to the Illinois Code 295.2000 licensing law, caring for seniors 55 years and older needing daily assistance with bathing, nutrition, hydration, medication supervision and socialization. This home was build handi cap accessible with a 3 floor elevator, 36" doorways and rampped entryways. There are 5 bedrooms, 6.5 baths and plenty of homey space to share.

Project Address/Location: 752 Saddle Ridge, Crystal Lake, IL 60012

PIN Number(s): 14-29-426-0034

Development Team

Please include address, phone, fax and e-mail

Developer: N/A

Architect: N/A

Attorney: Joe Gottemoller, 1 N. Virginia St., Crystal Lake, IL 60014

Engineer: N/A

Landscape Architect: N/A

Planner: N/A

Surveyor: VanderSteppen, 1316 N. Madison St., Unit A, Woodstock, IL 60098

Other:

Signatures

Senior Care Homes of Crystal Lake, Inc. Theresa Ruhe-Gaedt 5-23-2018

PETITIONER: Print and Sign name (*if different from owner*) **Date**

As owner of the property in question, I hereby authorize the seeking of the above requested action.

Senior Health Properties,LLC., Charles J. Benish Charles J. Benish

OWNER: Print and Sign name **Date** 05/23/2018

NOTE: If the property is held in trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter that names all beneficiaries of the trust.

STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

BEFORE THE BUILDING & ZONING BOARD OF
THE CITY OF CRYSTAL LAKE, ILLINOIS

IN THE MATTER OF THE PETITION

OF

Senior Health Properties, LLC.
SENIOR CARE HOMES OF CRYSTAL LAKE, INC.
FOR A SPECIAL USE PERMIT

PETITION

Your Petitioners, Senior Health Properties, LLC., Charles Benish, Senior Care Homes of Crystal Lake, Inc.by their attorney, Joe Gottemoller, 1 N. Virginia St., #A, Crystal Lake, IL 60014 respectfully represent unto this Honorable Board as follows:

1. Senior Health Properties, LLC, Charles Benish, owner of record of a 1.13 Acre parcel of land located within the Limits of the City of Crystal Lake, Illinois, 60012. Its common address is **752 SADDLE RIDGE,** and is legally described on the exhibit attached hereto as Exhibit A (hereinafter referred to as the "subject property"). The subject property is located on the Cul da Sac of Saddle Ridge. Owner's address is 2607 W. Manitou Trail, McHenry, Illinois, 60051.

2. Senior Care Homes of Crystal Lake, Inc. is the lessee of the subject property and is in the business of providing Residential Home Care/Assisted Living/Shared Housing Establishment for Seniors, of the Illinois Health Care Code 295.2000. Caring for seniors in a private home setting; its address is 752 Saddle Ridge, Crystal Lake, Illinois, 60012.

3. The subject property has been assigned 14-29-426-034, as its Permanent Property Index Number.

4. The property immediately adjacent to the subject property are zoned R-2 Estate by the City of Crystal Lake, Illinois, and are used for residences as such. The property to the immediate north of the subject property located to the North is 749 Saddle Ridge, Crystal Lake, Illinois, 60012. The property immediately to the east of the subject property is 748 Saddle Ridge, 30 Indian Trail, 40 Indian Trail. Walkup Road is immediately to the West of the property, directly South is an acre of land dedicated to the City of Crystal Lake for the sole purpose of detention. all parcels are in the city limits of Crystal Lake, Illinois, 60014.

5. The subject property is currently improved with as a single-family residence of 16 rooms, 5 suites, 6.5 baths, family room, music room, workout room, formal dining room, library, sitting room, kitchen, great room, game room, laundry room. The subject is ADA compliant with ramped entries, 30' doorways and a 3 floor elevator as described in Floor plans as **Exhibits** E-1, 2,3.

6. The Petitioners do not request a reclassification of zoning, but request a SPECIAL USE PERMIT. This Permit will allow the single-family residence currently located on the subject property to be used as a 5 suite home for a Residential Home Care/Assisted Living/Shared Housing Establishment for Seniors, as per the Illinois Health Care Code 295.2000 (as defined by and licensed by the State of Illinois), which would be operated by Senior Care Homes of Crystal Lake, Inc. This Residential Home Care/Assisted Living/Shared Housing Establishment for Seniors, will be limited to seniors, aged fifty-five (55) years and older, that need a home that provides limited help with their daily living.

7. The Residential Home Care/Assisted Living/Shared Housing Establishment for Seniors, Illinois Code 295.2000, this Code will require Senior Care Homes of Crystal Lake, Inc. to become licensed to meet the Codes requirements. Code 295.2000 shall limit the occupancy to five (5) unrelated seniors, plus the necessary number of on-site staff of caregivers, nurses, or management, as required by the State of Illinois.

8. Senior Care Homes of Crystal Lake, Inc. shall provide a *2417* caregivers. All caregivers will be screened with background checks as in accordance to the restrictions of the IL Code 295.2000. The care and safety of the residents is our first priority.

9. Senior Care Homes of Crystal Lake, Inc. will only post minimal approved signage allowed by the City of Crystal Lake and comply with the Illinois Code 295.2000 requirements. The purpose of minimal signage will be for identification for families or emergency responders such as the Fire Department.

10. Senior Health Properties, LLC., Senior Care Homes of Crystal Lake, Inc., shall comply with the Illinois Code 295.2000 requirements and recommendations for safety. Fire Sprinklers are required as per the Illinois Code 295.2000 and will be installed and meet all the codes and ordinances of the city of Crystal Lake. The Crystal Lake Fire Prevention department will be contacted for the final approval of this installation. As per Code 295.2000 regulations, Quarterly Fire Drills will be conducted and recorded.

B. Senior Health Properties, LLC. will comply with the Residential Home Care/Assisted Living/Shared Housing Establishment for Seniors Code 295.2000 and shall not be operated as a not for profit or charitable organization.

Included will be:

EXHIBIT A Legal Description

EXHIBIT B Petition a list of all persons either owning or paying taxes on lands which are contiguous to or abut the real estate described herein along with government agencies entitled to notice of these proceedings.

EXHIBIT C Pictures of residents enjoying the home

EXHIBIT D Land Survey of the subject property indicating the location of the improvements.

EXHIBIT E Subject property floor plan and Building specifications of all 3 levels

EXHIBIT F Current Septic certification

EXHIBIT A

Legal Description:

LOT 3 IN GOERDT SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST, QUARTER OF SECTION 29, TOWNSHIP 44 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECOREDED NOVEMBER 2, 1999 AS DOCUMENT NUMBER 1999R0076068, IN MCHENRY COUNTY, ILLINOIS.

PERMANENT PROPERTY INDEX NO:

14-29-426-034

COMMONLY KNOWN AS: 752 SADDLE RIDGE, CRYSTAL LAKE, ILLINOIS, 60012

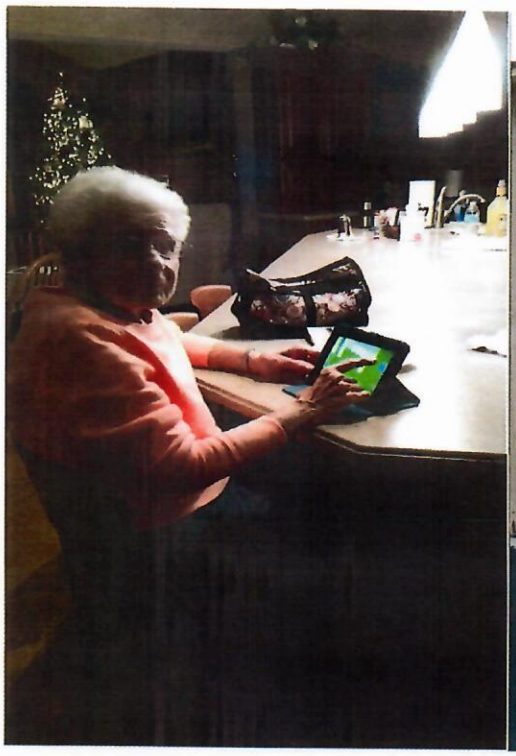
CLASSIFIED AS: R-2 ESTATE DISTRICT BY THE CITY OF CRYSTAL LAKE, ILLINOIS

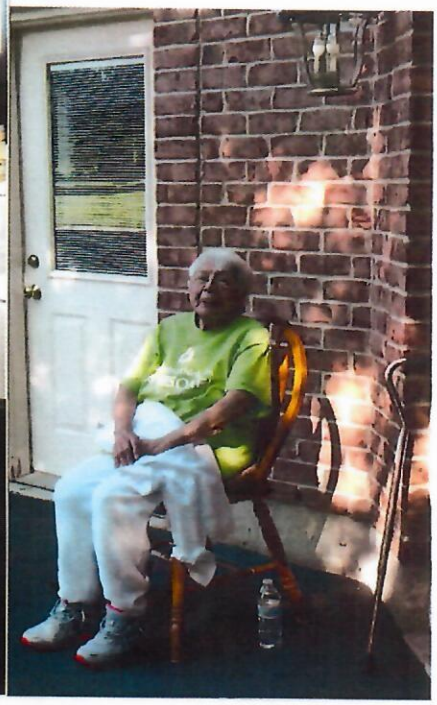
EXHIBIT B

ALL PERSONS EITHER OWNING OR PAYING TAXES ON LANDS WHICH ARE CONTIGUOUS TO OR ABUT THE REAL ESTATE DESCRIBED IN THE PETITION FOR A SPECIAL USE PERMIT.

NAME	PROPERTY INDEX NUMBERS
1. SUSAN KOCH 749 SADDLE RIDGE CRYSTAL LAKE, IL 60012	14-29-426-047
2. CATHERINE AMES 748 SADDLE RIDGE CRYSTAL LAKE, IL 60012	14-29-426-040
3. NANETTE RUTLEDGE 30 INDIAN HILLS TRAIL CRYSTAL LAKE, IL 60012	14-29-426-008
4. JEREMY/ANN TUCKER 40 INDIAN HILLS TRAIL CRYSTAL LAKE, IL 60012	14-29-426-009

EXHIBIT C





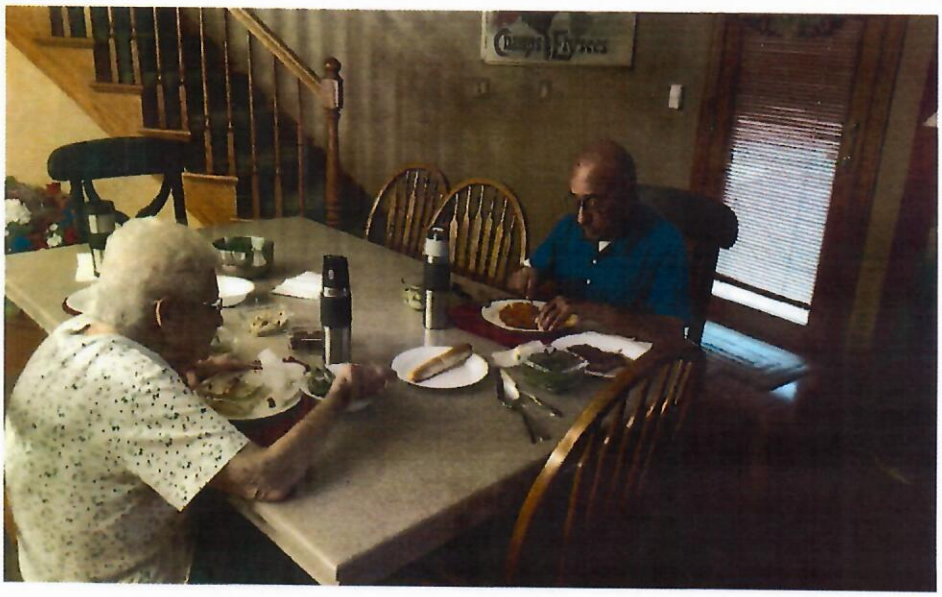


EXHIBIT D

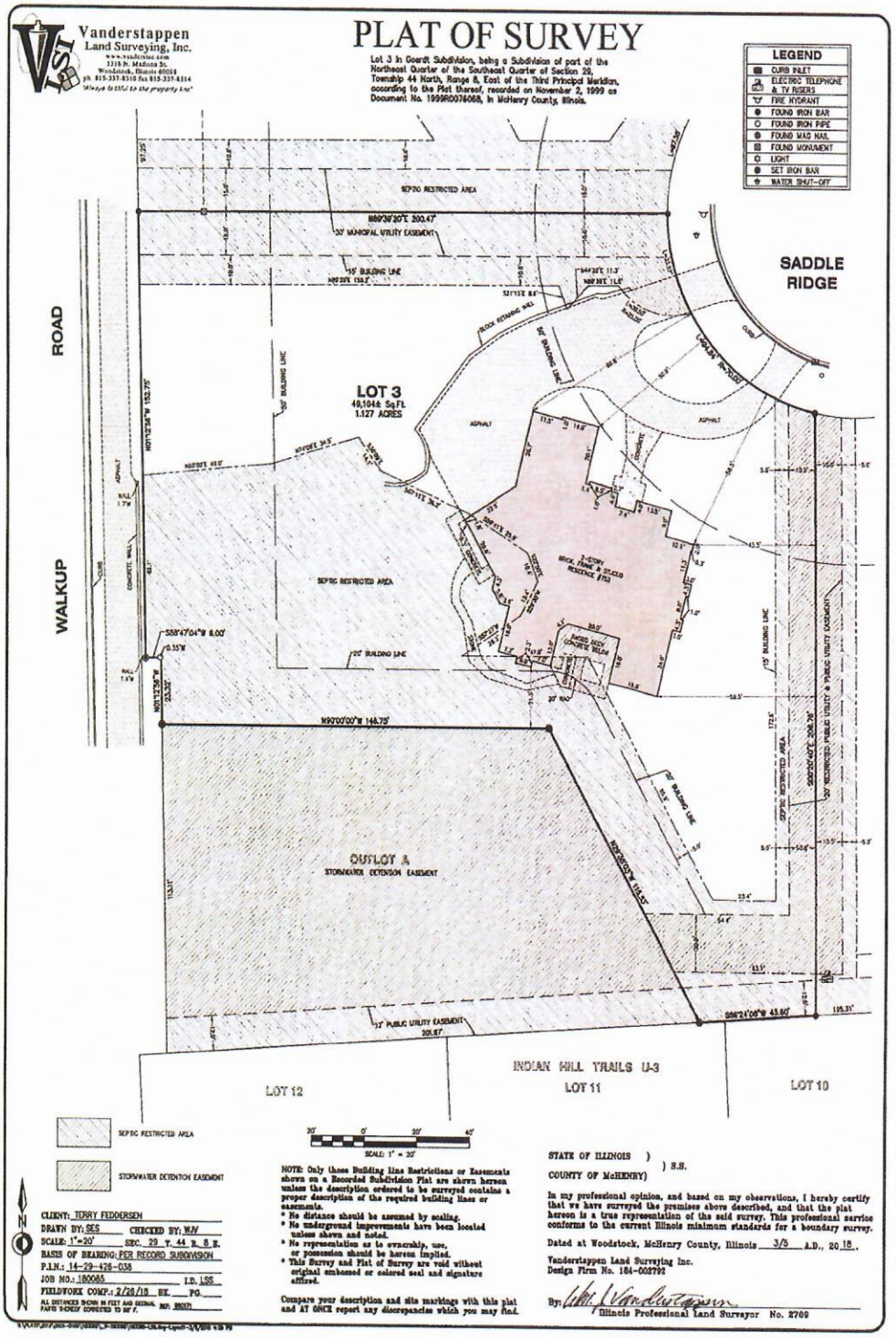

PLAT OF SURVEY
Vanderstappen Land Surveying, Inc.
Lot 3 in Goerdt Subdivision, being a Subdivision of part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 44 North, Range 8, East of the Third Principal Meridian, according to the Plat thereof, recorded on November 2, 1999 as Document No. 1999R0076068, in McHenry County, Illinois.
LEGEND
CURB INLET
ELECTRIC TELEPHONE & TV RISERS
FIRE HYDRANT
FOUND IRON BAR
FOUND IRON PIPE
FOUND MAG NAIL
FOUND MONUMENT
LIGHT
SET IRON BAR
WATER SHUT-OFF
SADDLE RIDGE
ROAD
WALKUP
LOT 3
49,104± SqFt
1.127 ACRES
SEPTIC RESTRICTED AREA
N89°36'30"E 200.47'
35' MUNICIPAL UTILITY EASEMENT
15' BUILDING LINE
35' BUILDING LINE
20' BUILDING LINE
75' BUILDING LINE
ASPHALT
CONCRETE
BRICK, 1-STORY FRAME & STUCCO RESIDENCE #753
WELL
S89°47'04"W 8.00'
N00°12'56"W 153.75'
N00°12'56"W 23.32'
N89°00'00"W 146.75'
OUTLOT A
STORMWATER DETENTION EASEMENT
N00°00'00"W 194.57'
S89°24'06"E 43.80'
195.31'
12' PUBLIC UTILITY EASEMENT
201.67'
INDIAN HILL TRAILS U-3
LOT 12
LOT 11
LOT 10
SEPTIC RESTRICTED AREA
STORMWATER DETENTION EASEMENT
SCALE: 1" = 20'
NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.
* No distance should be assumed by scaling.
* No underground improvements have been located unless shown and noted.
* No representation as to ownership, use, or possession should be hereon implied.
* This Survey and Plat of Survey are void without original embossed or colored seal and signature affixed.
Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.
CLIENT: TERRY FEDDERSEN
DRAWN BY: SES CHECKED BY: MJV
SCALE: 1"=20' SEC. 29 T. 44 R. 8 E.
BASIS OF BEARING: PER RECORD SUBDIVISION
P.I.N.: 14-29-426-036
JOB NO.: 180085 I.D. LSS
FIELDWORK COMP.: 2/28/18 BK. PG.
STATE OF ILLINOIS)
) S.S.
COUNTY OF McHENRY)
In my professional opinion, and based on my observations, I hereby certify that we have surveyed the premises above described, and that the plat hereon is a true representation of the said survey. This professional service conforms to the current Illinois minimum standards for a boundary survey.
Dated at Woodstock, McHenry County, Illinois 3/5 A.D., 20 18.
Vanderstappen Land Surveying Inc.
Design Firm No. 184-002792
By:
Illinois Professional Land Surveyor No. 2709

EXHIBIT E-1

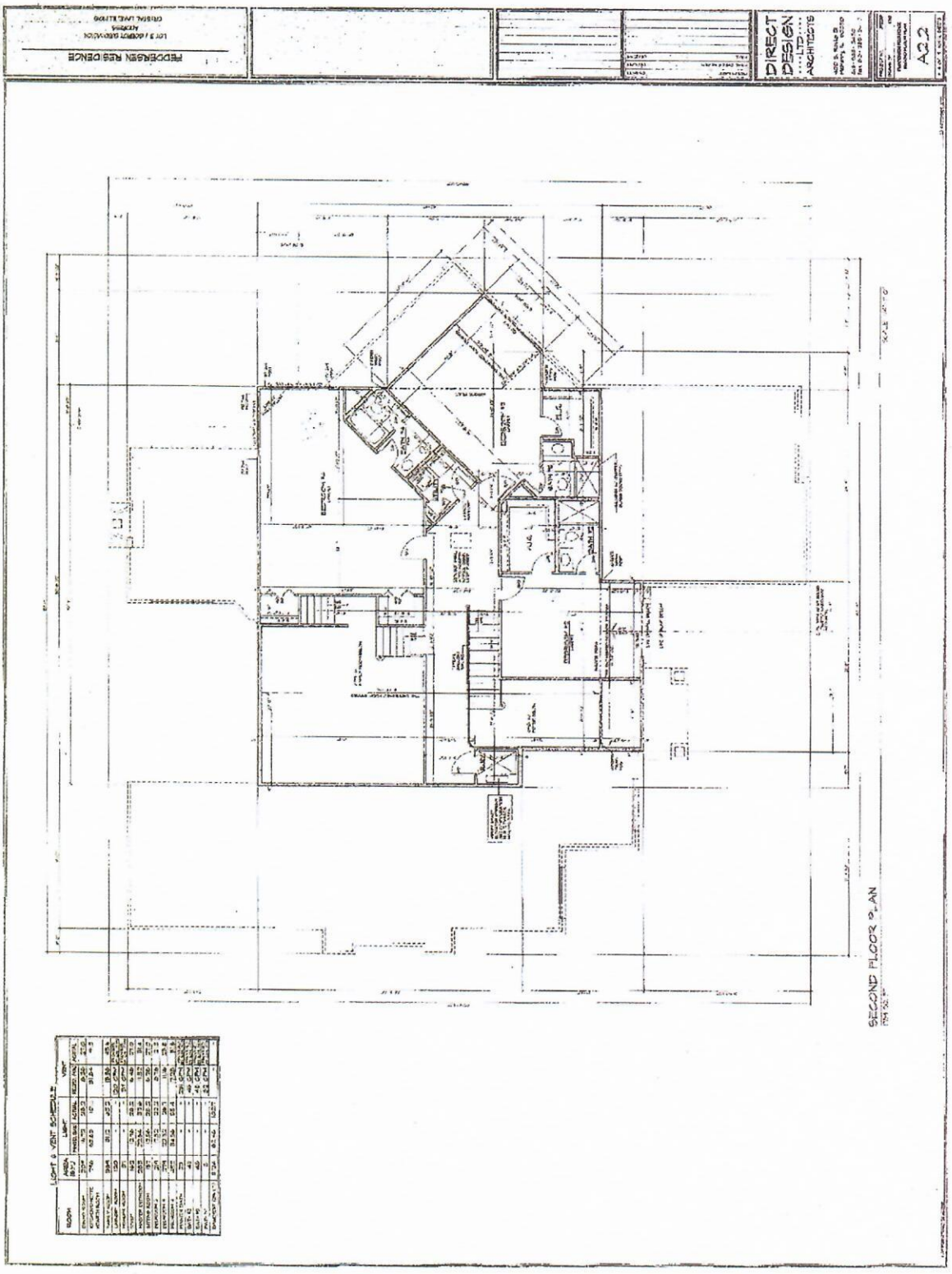


EXHIBIT E-2

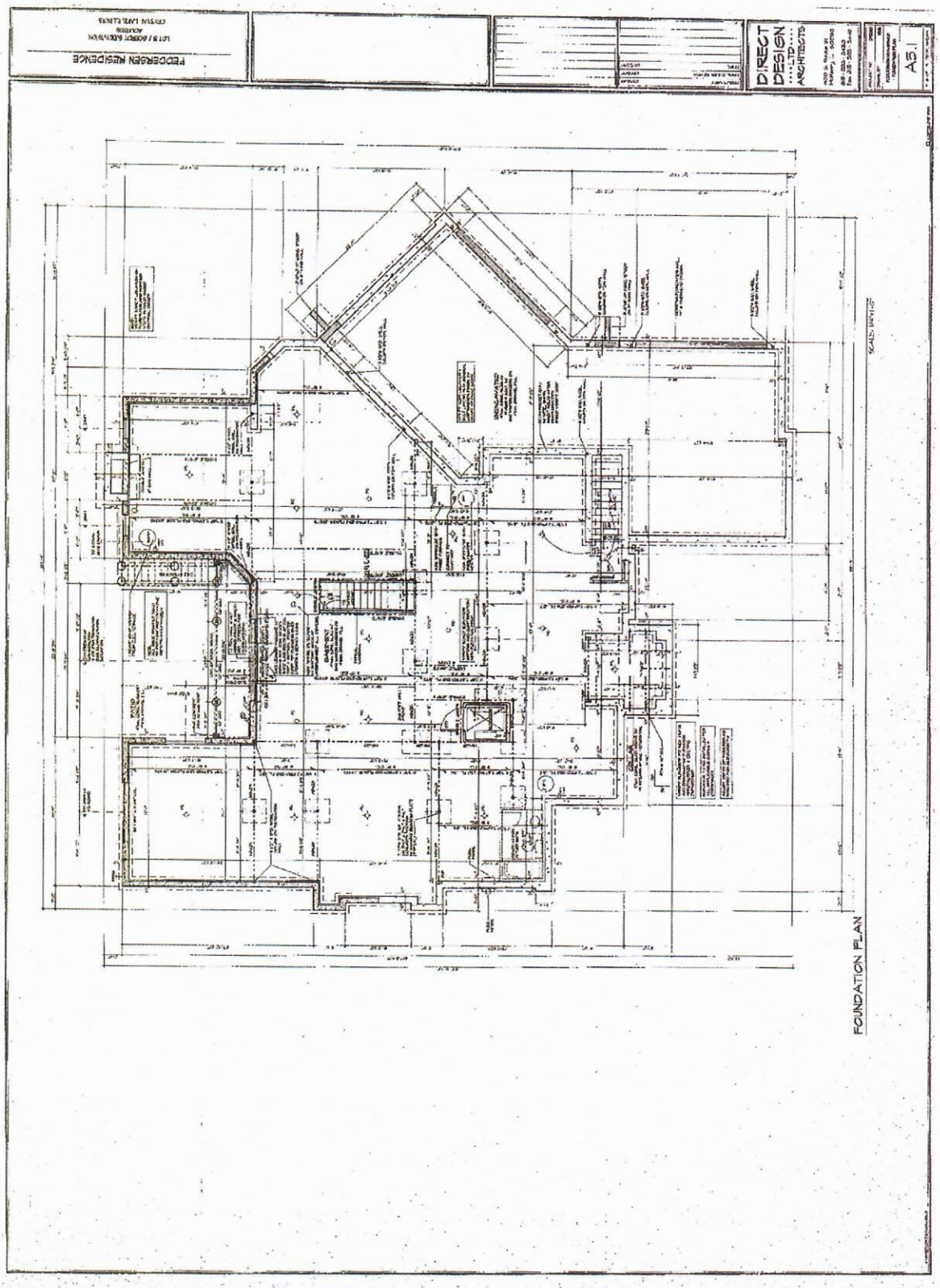


EXHIBIT E- 3

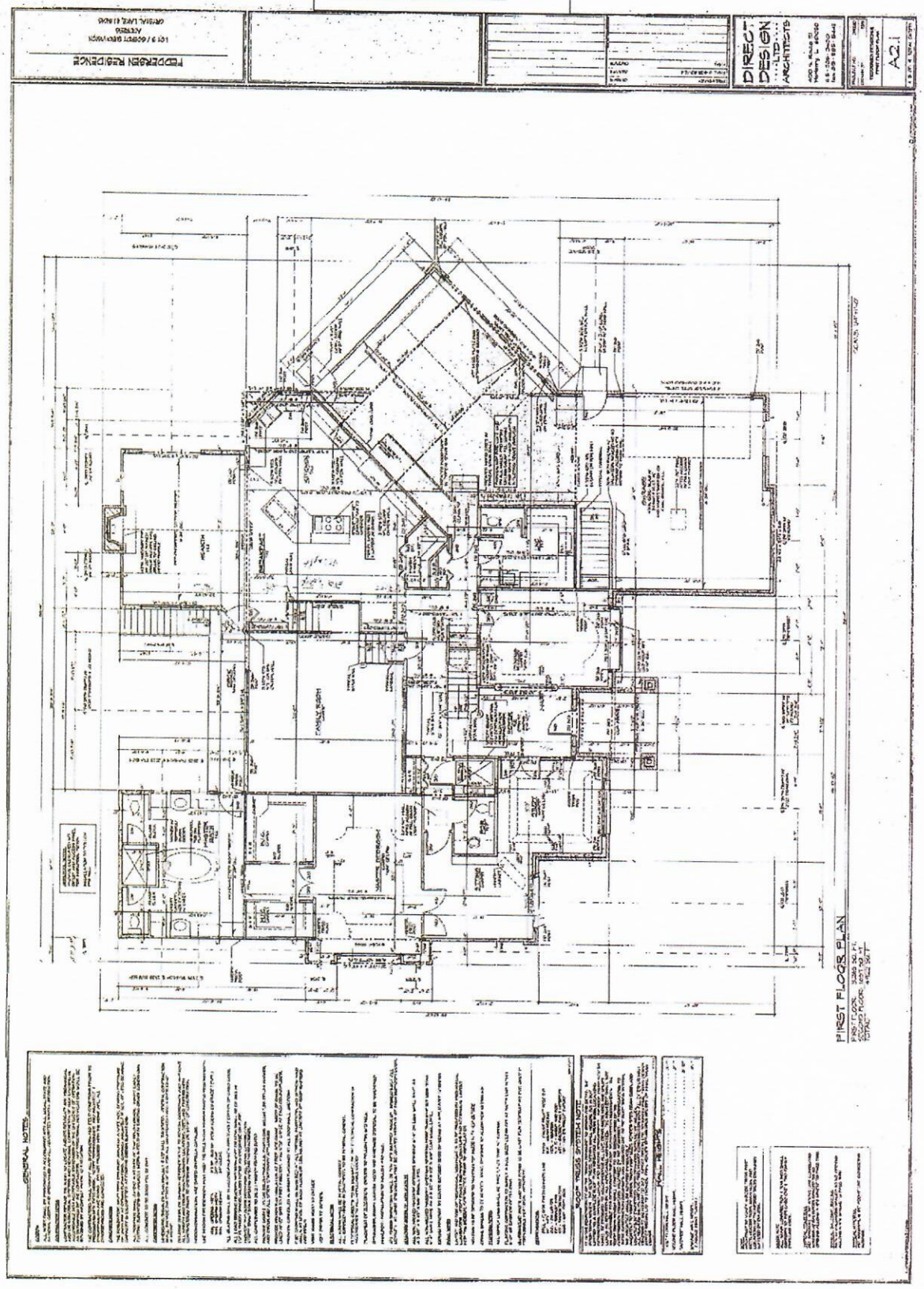


EXHIBIT F

John A. Raber & Associates, Inc.
4314-F Crystal Lake Rd • McHenry, IL 60050 • voice 815.344.4020 • fax 815.331.0800 • johnraber.com

Mold Inspections
Radon Testing - Soil Suitability
Well and Septic Evaluations

April 13, 2018

Terry Feddersen
752 Saddle Ridge
Crystal Lake, IL 60012

Re: 752 Saddle Ridge – Crystal Lake

Dear Ms. Feddersen:

The evaluation of the septic system on the subject property has been completed.

The septic tank, lift station and field were inspected on April 12, 2018, and no sanitary defects were observed in the operation of the system. The condition of the gravel in the trenches was dry and no saturation of the field was noted. The effluent level in the tank was at its proper operating level and the outlet line baffle was intact and functional. The lift station was operational and functioning properly.

This letter states what this sanitarian found at the time the evaluation of the septic system on the subject property was completed. This letter is not a warranty for the septic system. Nor is it a guarantee that the septic system will continue to function. This sanitarian is not able to estimate the longevity of any septic system.

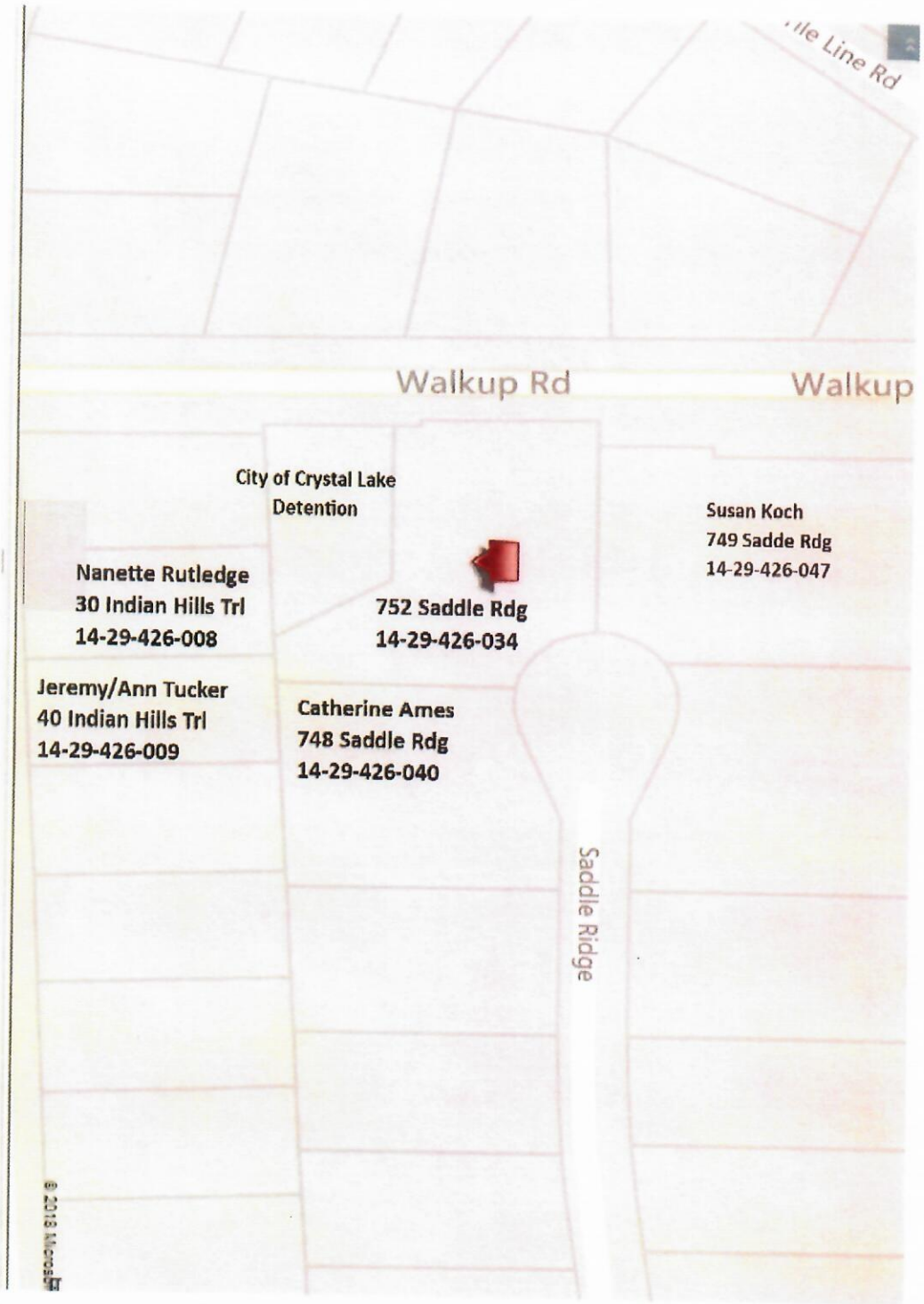
Sincerely,

JOHN A. RABER & ASSOCIATES, INC.

PRESTON R. REA, R.S.
SANITARIAN

cc/enc.

This report is printed on watermarked paper.


Walkup Rd
Walkup
City of Crystal Lake
Detention
Nanette Rutledge
30 Indian Hills Trl
14-29-426-008
752 Saddle Rdg
14-29-426-034
Susan Koch
749 Sadde Rdg
14-29-426-047
Jeremy/Ann Tucker
40 Indian Hills Trl
14-29-426-009
Catherine Ames
748 Saddle Rdg
14-29-426-040
Saddle Ridge

PUBLIC NOTICE

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS

IN THE MATTER OF THE APPLICATION OF
Senior Care Homes of Crystal Lake

LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois, that a public hearing will be held before the Planning and Zoning Commission upon the application of Senior Care Homes of Crystal Lake, seeking a Special Use Permit located at 752 Saddle Ridge, Crystal Lake, Illinois. PIN 14-29-426-038.

This application is filed for the purpose of seeking a Special Use Permit for an assisted living nursing care facility pursuant to Article 2-300 Permitted Use Table and Article 9-200, as well as any other variations as necessary to complete the project as proposed. Plans for this project can be viewed at the Crystal Lake Community Development Department at City Hall.

A public hearing before the Planning and Zoning Commission for this request will be held at 7:30 p.m. on Wednesday, June 20, 2018, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Tom Hayden, Chairperson
Planning and Zoning Commission
City of Crystal Lake

(Published in the Northwest Herald on June 5, 2018) 1543433

STATE OF ILLINOIS

COUNTY OF MCHENRY

IN THE MATTER OF THE APPLICATION OF
Special Use Permit;
As represented by:
Senior Care Homes of Crystal Lake, Inc.

AFFIDAVIT

Therese Rubino-Goerdt, being first duly sworn on oath deposes and states as follows:

A. That a copy of the legal notice, concerning the hearing date for the above mentioned Petitioner, was sent to each of the persons named on the attached list by regular mail notifying them of the hearing before the Planning and Zoning Commission on Tuesday, June 20th,2018 at 7:30 p.m., at the City of Crystal Lake City Hall, 100 West Woodstock Street in Crystal Lake, Illinois. Said notice was mailed to each of the below mentioned persons by regular mail on **May 31, 2018.**

B. That the posting requirements of the Zoning Ordnance have been complied with by placing the customary public notice sign on the subject property on **June 1st , 2018**

OFFICIAL SEAL
CHARLES J BENISH
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:09/16/19

Therese Rubino-Goerdt, Executive Director
Senior Care Homes of Crystal Lake, Inc.

Subscribed and Sworn to me before
This 1st day of June, 2018

Notary Public
CHARLES J. BENISH

RECEIVED
JUN 0 1 2018
BY:

Parcel Number	Owner	Mail To Address 1	Mail To City	Site Address Street	Site Address City
14-29-404-002	JEFFREY T KELLY E REENS	4608 TILE LINE RD	CRYSTAL LAKE, IL 600123272	4608 TILE LINE RD	CRYSTAL LAKE, IL
14-29-404-007	DP JM JNT TR HAMMARSTEDT	4703 WALKUP RD	CRYSTAL LAKE, IL 60014	4703 N WALKUP RD	CRYSTAL LAKE, IL
14-29-404-008	STEVEN J LORI A PLESE	4709 N WALKUP RD	CRYSTAL LAKE, IL 60014	4709 WALKUP RD	CRYSTAL LAKE, IL
14-29-404-009	MARVIN H GAIL L RICHER	231 CLOVER CHASE CIR	WOODSTOCK, IL 60098	4715 WALKUP RD	CRYSTAL LAKE, IL
14-29-404-013	MICHAEL L JULIE A FRITCHLEY	6312 WALKUP LN	CRYSTAL LAKE, IL 60012	6312 WALKUP LN	CRYSTAL LAKE, IL
14-29-426-008	NANETTE E TR RUTLEDGE	30 INDIAN HILL TR	CRYSTAL LAKE, IL 60014	30 INDIAN HILL TRL	CRYSTAL LAKE, IL
14-29-426-009	JEREMY M ANN S TUCKER	40 INDIAN HILL TRL	CRYSTAL LAKE, IL 600123681	40 INDIAN HILL TRL	CRYSTAL LAKE, IL
14-29-426-010	DAVID B ANNA M COVALT	50 INDIAN HILL TRL	CRYSTAL LAKE, IL 60014	50 INDIAN HILL TRL	CRYSTAL LAKE, IL
14-29-426-011	CHRISTOPHER J LAURA MIKOLAJCZEWSKI	60 INDIAN HILL TR	CRYSTAL LAKE, IL 60012	60 INDIAN HILL TR	CRYSTAL LAKE, IL
14-29-426-036	TODD F LYNETTE L WENZON	745 SADDLE RDG	CRYSTAL LAKE, IL 60012	745 SADDLE RDG	CRYSTAL LAKE, IL
14-29-426-038	HOME ST BK TR 3465	PO BOX 1738	CRYSTAL LAKE, IL 60039	752 SADDLE RDG	CRYSTAL LAKE, IL
14-29-426-039	HOME ST BK TR 3465	PO BOX 1738	CRYSTAL LAKE, IL 60039	NA	
14-29-426-040	CATHERINE AMES	748 SADDLE RIDGE	CRYSTAL LAKE, IL 60014	748 SADDLE RDG	CRYSTAL LAKE, IL
14-29-426-041	SEAN P DONNA M LEAHY	744 SADDLE RIDGE	CRYSTAL LAKE, IL 60014	744 SADDLE RDG	CRYSTAL LAKE, IL
14-29-426-047	SUSAN TR KOCH	749 SADDLE RDG	CRYSTAL LAKE, IL 600123601	749 SADDLE RDG	CRYSTAL LAKE, IL
14-29-426-048	LARRY STELLA J GOLDEN	20 INDIAN HILL TRL	CRYSTAL LAKE, IL 600123681	20 INDIAN HILL TRL	CRYSTAL LAKE, IL

CITY OF
Crystal Lake
ILLINOIS

June 21, 2018

The Honorable Mayor
and City Council

REPORT OF THE PLANNING AND ZONING COMMISSION
Case #2018-34 Senior Care Home Special Use Permit

Council Members:

The Planning and Zoning Commission considered the above referenced petition at their June 20, 2018 meeting at which a quorum consisting of members Esposito, Goss, Jouron, Skluzacek, and Greenman were present. Mr. Hayden was absent.

Mr. Esposito moved to deny the Special Use Permit to allow a nursing care facility at 752 Saddle Ridge. Mr. Goss seconded the motion. On roll call, all members voted aye. Motion to deny passed.

Mr. Greenman said this will move forward to the City Council on July 17. They make the final decision.

CRYSTAL LAKE PLANNING AND ZONING COMMISSION

Jeff Greenman

Jeff Greenman
Vice Chairman

JG/shd

CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, JUNE 20, 2018
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS

The meeting was called to order by Vice Chairman Greenman at 7:30 p.m. On roll call, members Esposito, Goss, Jouron, Skluzacek, and Greenman were present. Mr. Hayden was absent.

Michelle Rentzsch, Director of Community Development, Elizabeth Maxwell, Senior Planner, Katie Cowlin, Planner, and Dave Pardys, legal counsel, were present from Staff.

Mr. Greenman asked those in attendance to rise to say the Pledge of Allegiance. He led those in attendance in the Pledge.

Mr. Greenman stated that this meeting was being televised now, as well as, recorded for future playback on the City's cable station. He added to please use the sign in sheets in the rear of the Chambers.

2018-34 SENIOR CARE HOMES – 752 Saddle Ridge – PUBLIC HEARING
Special Use Permit to allow a nursing care facility.

Mr. Greenman stated that the sign had been posted. He said the surrounding property owners were notified and the Certificate of Publication was in the file. Mr. Greenman waived the reading of the legal notice without objection.

Terry Rubino-Goerdt was present to represent her petition.

Mr. Greenman said there are a number of people signed up. He said the petitioner will have the opportunity to present evidence to the Commission and the public will have an opportunity to speak. He asked the public that if a statement has been made previously, not to repeat it and to be assured that the Commissioners have heard the comment. Mr. Greenman said he does not want to discourage anyone from speaking, but the comment has been heard.

Ms. Rubino-Goerdt said according to the State of Illinois this is classified as an assisted living, shared housing. It is caring for seniors who are not able to live alone. She has a nurse on staff. Ms. Rubino-Goerdt said this is not as complicated as it seems. Her house would have seniors and they seldom have visitors. Ms. Rubino-Goerdt said the house is accessible and has 6.5 bathrooms. This house works well for this type of use. She said she is trying to make the time the seniors have left as good as possible. She added that she is an EMT and this is not government subsidized. There is less traffic from this use than if she had teenagers living in the house. Ms. Rubino-Goerdt said the driveway alone is large enough for 12 to 15 cars. She does have a marketing packet.

Mr. Greenman asked if the petitioner had any concerns with the recommended conditions in the staff report. Ms. Rubino-Goerdt said they have not put in sprinklers until the Special Use Permit is approved. They are very expensive.

Mr. Greenman said the Commission received two pieces of information from a resident, Sarah Fisher, which he entered into the record.

James Brown, 655 Tomahawk, said he looked at the staff report's Findings of Fact. He believe this will have a detrimental effect to the property values and traffic circulation. There is only one way in and out of the cul-de-sac. Mr. Brown said there is a sign the City installed regarding a vision impaired child in the area and the family has a certain amount of security until now, but not necessarily with visitors and staff. He added that people will park where it is convenient and not necessarily on the driveway. In the petition the residents of the home are described as needing limited help with their daily living yet, on the website it lists memory care among other things. That is not limited help. Mr. Brown said the home was built as a single family residential home. Every home in Indian Hill Trails is single family residential home. He asked if the use changes, will the petitioner be allowed to deduct their complete property taxes unlike the other residents due to the recent change in the tax laws. Mr. Brown said this is not the right place for this use.

Eric Pace, 697 Saddle Ridge, said he could not be any more opposed to this use. They moved in about 2 months ago and if they had known this was going on, they would have moved elsewhere. The traffic won't be getting any better. Mr. Pace said they plan to have children and this would make him worry about them. There will also be an increase in noise with emergency vehicles.

Jim Rouley, 732 Saddle Ridge, said when they first purchased their lot in 1991, the road was a dead end and this was a vacant lot at that time. There was some interest in that lot and one was a church. Doug Fedderson proposed a development and his intention was to develop the property with single family homes. Now the same owners of the property are pulling the rug out from under them. Mr. Rouley said he has been through this will both of their parents. They have compassion for what is being proposed and there has been some bad information given out. The website and the information provided don't match. Mr. Rouley said they have lived in this home for 27 years and Crystal Lake is a great place to live. He wants it to stay that way. He added that there are no sidewalks in the subdivision. There are a great number of kids who live on the street and it concerns him about where this can lead.

Larry Golden, 20 Indian Hill Trail, said this request is not for a zoning change, but for a Special Use Permit. He asked what happens if this is approved. Can the petitioner sell this as a business or will it revert back to single family residential use. Mr. Golden asked if there is a way to limit the approval to the petitioner only and not to someone else in the future. Ms. Cowlin said that can be a recommended condition of approval. Mr. Greenman asked if the Special Use Permit can be moved to new property owner. Ms. Cowlin said in other cases the City has tied the approval to a specific business and owner. The conditions can become part of the ordinance. Mr. Golden said this home was on the market for some time. Is this use a realized dream or to make the house marketable? Ms. Rubino-Goerdt said that someone asked her to look after their parent and found she has a talent for that. She wants to make the seniors' lives pleasant. Mr. Golden asked if this

is limited to eight people. Ms. Rubino-Goerdt said it is limited by the State of Illinois. The State requires continual inspections. She added that she did a comp on Saddle Ridge and Tomahawk and found those property values are half of hers. She doesn't want to upset anyone, but just wants to help people. She has taken care of her mother since her dad died. She added that the law is very explicit as to what type of care the seniors can be given at this home. Mr. Golden said there may be very few visitors and there will be emergency vehicles, but there are seniors in the home now. This could be more of a plus for the community.

Joline Manning, 733 Saddle Ridge, believe this will fail when reviewing the Findings of Fact. This has been operating for 3 years without the required State license or City approval. The website was set up in 2017 and is misleading. Ms. Manning said they are operating in disregard for the requirements. She urges the Commissioners to ask if the petitioner has any other locations or has been in other locations prior to this one. Also to ask for any information regarding the other businesses including complaints, etc.

Brett Fisher, 736 Saddle Ridge, reviewed the inconsistencies between the website and petition provided, which are listed in the handout given to the Commissioners. There is no mention to the number of staff required for this type of use. Mr. Fisher handed out copies of a photo taken last Thursday night showing a full driveway and parking in the cul-de-sac.

Donna Leahy, 744 Saddle Ridge, said she lives in the cul-de-sac. She understands that the Findings of Fact need to be reviewed and met. Ms. Leahy said they have reviewed them as a neighborhood. From a neighborhood perspective – this use is not necessary in this type of setting. There are a significant number of neighbors attending this meeting and it is not desirable at this location. Regarding the property values – she is a realtor in McHenry County and the impact cannot be validated at this time. The homes used for this type of purpose don't have any documented evidence that it is beneficial to the neighborhood. It is speculation on the impact this will have on the values. Ms. Leahy added that there are more than 20 children in the immediate area including a visually impaired child.

Susan Koch, 749 Saddle Ridge, said she lives next to this home. This use will not negatively impact traffic circulation, but is concerned with the volume of traffic and the speed. There have been a significant increase in the number of vehicles over the years. She is also concerned with the emergency vehicles. Ms. Koch said last summer there was an ambulance and fire truck that were in the cul-de-sac and the fire engine got stuck when trying to leave the cul-de-sac. Also, there have been times when driveways are blocked and the mail was not able to be delivered. Ms. Koch said there are also special garbage services needed such as sharps disposal, and medication disposal. A license from the State has not been obtained and this has been operating for 3 years. There also needs to be verification that the residents of the home have entered into a service agreement, proof of compliance with the State and local codes as well as the subdivisions Covenants and Restrictions. They urge the Commission to take into account the subdivision's Covenants.

Steve Koch, 717 Saddle Ridge, said he is a concerned father of three children living on this street. The Findings of Fact applicable to the nursing home facilities need to be met. There are application inconsistencies between the application and website. He added that the number of staff is inconsistent.

Lynn Wenzon, 745 Saddle Ridge, said they moved into the cul-de-sac three years ago. They have two special needs children. It's a safety issue for their children. There is extra traffic and there are other special needs kids on the block as well.

Peter Nietzel, 737 Saddle Ridge, said they are the beneficiary of neighbors who spoke very eloquently regarding this request. Mr. Nietzel said the sign the City put up was for his child. All of the neighbors are familiar with his daughter and they slow down for her. This is high risk for him because of the people who will be coming to the neighborhood and will not be familiar with the area. On the simplest terms - it's a risk to his daughter and people don't take signs seriously.

Chad Golden, 721 Saddle Ridge, said they are possibly the newest to the neighborhood. It seems that this is putting the cart before the horse. There is no State license and no Special Use from the City. The State of Illinois may deny request if it doesn't meet their requirements. Mr. Golden said they should not advertise the establishment if no permits are obtained.

Joe Rittner, 697 Tomahawk, said the fire hydrant is in the middle of the cul de sac. There is little to no room for anyone to park between the driveways. He is concerned if people park on the street and the emergency vehicles can't come in.

There was no one else in the public who wished to comment on this request. The public portion was closed at this time.

Mr. Greenman reviewed the comments made by the public. He thanked the neighbors for coming to the meeting and the information they provided to the Commission. The discussion the Commissioners will have to review will be relative to the petition and not what is on the website. Some have indicated discrepancies between the two. Also the Covenants for the subdivision have been referenced. The City is not bound by the Covenants even though staff does review them. Mr. Pardys said the Covenants are a private matter within that Homeowners' Association group and the City does not get involved with Covenants other than the typical stormwater management.

Mr. Greenman reviewed the concerns raised by the public such as loading areas, traffic, and tax advantages. He added that taxes are not under their purview. Other concerns that were raised were regarding noise, emergency vehicles, the previous operation of this business, special needs children and safety. The business will be required by law to go through all of the requirements and regulations. What is going on in the house tonight will not be discussed.

Ms. Rubino-Goerdt apologized that website has not been updated. She has previously worked for another company that was licensed. They have had three emergency calls and one was for her father. She added that they hosted a party for a new Rotary President, which was why there were so many cars there on that Thursday evening. She understands everyone's concern. Ms. Rubino-Goerdt said her house is the most expensive in the neighborhood and can tell everyone here there won't be any hoopla with this use. The seniors need a quality place. She can't be licensed until gets a Special Use Permit from the City and she

won't spend $40,000 on sprinklers for the home until she is approved. There will be rules and care givers. Ms. Rubino-Goerdt said she can park up to 15 cars on the driveway and possibly more. Her plan is to give the quality and kindness that the seniors deserve and need. It's not that complicated. Also, she won't do anything to cause her house values to be reduced. She is a real estate broker as well.

Mr. Jouron said in the past they reviewed many home child care facilities, and a State license is required. Ms. Cowlin said the City requires a copy of the license for our files. Mr. Jouron said he has had family members die from Alzheimer's and under hospice care. Ms. Rubino-Goerdt said they must follow the State's requirements. The seniors must be independent with some supervision.

Mr. Esposito said hospice care is typically needed around the clock and usually more family members come at that time. Ms. Rubino-Goerdt said Social Security provides for hospice nurses and that would be one other staff member, if needed. Mr. Esposito said they see Special Use Permits for businesses and not in residentially zoned areas. It's hard for him to get his head around a Special Use in a residential area.

Mr. Skluzacek asked how many staff members live in the home. Ms. Rubino-Goerdt said she is the only one. Mr. Skluzacek said there can only be seven residents plus one care giver. Ms. Rubino-Goerdt said she hopes to have someone during the day.

Mr. Goss asked what is the sequence of events. A State license is needed to do the work, the City requires a Special Use, and there are County Health Department requirements. Ms. Rubino-Goerdt said this is not complicated. Mr. Goss asked if the City's Special Use is needed first. Ms. Rubino-Goerdt said she can't get a State license without the City's Special Use and sprinklers be installed. Ms. Rentzsch said the petitioner can't get a license without zoning approval. Then the sprinklers can be installed with a building permit and then receive the State license. Mr. Goss asked about the number of people allowed to live in a single family home. Ms. Maxwell reviewed the City's requirements. Mr. Goss said he has an issue with the first Findings of Fact. The neighborhood does not want the use and it is not desirable at that location. He also has concerns with a facility like this working on a septic system.

Mr. Greenman said he didn't hear from anyone that they have an issue with the type of services being provided. The petitioner's heart is in the right spot and that is very important to hear. What she is trying to accomplished has real value. What he did hear is concerns about the location of the business. Mr. Greenman said he thinks of the Findings of Fact and the use needs to be able to meet those. He said they know the use is necessary and desirable, but the struggle is at the proposed location. He doesn't feel it's desirable at that location. Mr. Greenman asked the petitioner that whatever happens with this request, to please not lose your desire to take care of the people you do. He thanked the petitioner for coming before the Commission and he is grateful for the talent and desire she has.

Ms. Rubino-Goerdt said the house is accessible and has a commercial septic for the number of bathrooms in their home. There are many homes like this in Wisconsin and Florida and the State of Illinois is very shy about this type of use. This was a viable way to provide the service and help pay her bills.

Mr. Jouron asked how this is any different than a day care facility other than age. A typical day care is much louder than this use. Mr. Greenman said he looked at the zoning of the property and the single access point for the property. There are businesses in residential areas. The ones that have come before the Commission are in an area that has more access points. Typically a day care is generally during the day and it is not on the weekends or holidays. This is estate residential area. Mr. Esposito added there are no sidewalks in the subdivision and it is estate residential. He recalled saying no to the typical home day cares in the past. He doesn't believe they should be in a residential area.

Mr. Goss said they have denied day cares because of the traffic, bad access points, etc. The intensity of the use is more than a day care.

Mr. Esposito moved to deny the Special Use Permit to allow a nursing care facility at 752 Saddle Ridge. Mr. Goss seconded the motion. On roll call, all members voted aye. Motion to deny passed.

Mr. Greenman said this will move forward to the City Council on July 17. They make the final decision.

Joint Committee on Administrative Rules
ADMINISTRATIVE CODE

RECEIVED
SEP 13 2018
BY:

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES
PART 295 ASSISTED LIVING AND SHARED HOUSING ESTABLISHMENT CODE
SECTION 295.100 PURPOSE OF THE ACT AND THIS PART

Section 295.100 Purpose of the Act and this Part

a) *The purpose of the Act is to permit the development and availability of assisted living establishments and shared housing establishments based on a social model that promotes the dignity, individuality, privacy, independence, autonomy, and decision-making ability and the right to negotiated risk of those persons; to provide for the health, safety, and welfare of those residents residing in assisted living and shared housing establishments in this State; to promote continuous quality improvement in assisted living; and to encourage the development of innovative and affordable assisted living establishments and shared housing with service establishments for elderly persons of all income levels. It is the public policy of this State that assisted living is an important part of the continuum of long term care. In support of the goal of aging in place within the parameters established by the Act, assisted living and shared housing establishments shall be operated as residential environments with supportive services designed to meet the individual resident's changing needs and preferences. The residential environment shall be designed to encourage family and community involvement. The services available to residents, either directly or through contracts or agreements, are intended to help residents remain as independent as possible. Assisted living, which promotes resident choice, autonomy, and decision-making, should be based on a contract model designed to result in a negotiated agreement between the resident or the resident's representative and the provider, clearly identifying the services to be provided.*
This model assumes that residents are able to direct services provided for them and will designate a representative to direct these services if they themselves are unable to do so. This model supports the principle that there is an acceptable balance between consumer protection and resident willingness to accept risk and that most consumers are competent to make their own judgments about the services they are obtaining. Regulation of assisted living establishments and shared housing establishments must be sufficiently flexible to allow residents to age in place within the parameters of the Act. The administration of the Act and services provided must therefore ensure that the residents have the rights and responsibilities to direct the scope of services they receive and to make individual choices based on their needs and preferences. These establishments shall be operated in a manner that provides the least restrictive and most homelike environment and that promotes independence, autonomy, individuality, privacy, dignity, and the right to negotiated risk in residential surroundings. It is not the intent of the State that establishments licensed under this Act be used as halfway

houses for alcohol and substance abusers. (Section 5 of the Act)

b) The purpose of this Part is to establish standards for assisted living and shared housing establishments. The standards support the concept of aging in place and promote the availability of appropriate services for elderly and disabled persons in a homelike environment that enhances the dignity, independence, individuality, privacy, choice and decision-making ability of the resident.

c) This Part requires assisted living and shared housing establishments to address standards in the delivery of services to residents and to design the physical environment to support dignity, independence, individuality, privacy, choice, and the decision-making abilities of individual residents.

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES
PART 295 ASSISTED LIVING AND SHARED HOUSING ESTABLISHMENT CODE
SECTION 295.200 DEFINITIONS

Section 295.200 Definitions

The following terms have the meaning ascribed to them here whenever the term is used in this Part:

Abuse – any physical or mental injury or sexual assault inflicted on a resident, other than by accidental means, in an establishment.

Act – the Assisted Living and Shared Housing Act (Public Act 91-656, effective January 1, 2001).

Activities of daily living – eating, dressing, bathing, toileting, transferring, or personal hygiene. (Section 10 of the Act)

Adequate – enough in either quantity or quality, as determined by a reasonable person. This determination must be consistent with current professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning – a notice to an establishment issued by the Department under Section 295.1060 of this Part that indicates that a situation, condition or practice in the establishment violates the Act or this Part at the level of a Type 3 violation.

Applicant – the individual, partnership, corporation, association, or other person that owns or operates an assisted living or shared housing establishment and makes application for a license.

Appropriate – term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation, as determined by a reasonable person. This determination must be consistent with current professional standards of the subject under review.

Assessment – see Physician's Assessment.

Assisted living establishment or establishment – a home, building, residence, or any other place where sleeping accommodations are provided for at least three unrelated adults, at least 80% of whom are 55 years of age or older and where the

following are provided consistent with the purpose of the Act:

services consistent with a social model that is based on the premise that the resident's unit in assisted living and shared housing is his or her own home; community-based residential care for persons who need assistance with activities of daily living, including personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident;

mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or resident's representative; and

a physical environment that is a homelike setting that includes the following and such other elements as established by the Department in conjunction with the Assisted Living and Shared Housing Advisory Board: individual living units each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room readily accessible to each resident. Units shall be maintained for single occupancy except in cases in which two residents choose to share a unit. Sufficient common space shall exist to permit individual and group activities.

Assisted living establishment or establishment does not mean any of the following:

A home, institution, or similar place operated by the federal government or the State of Illinois.

A long term care establishment licensed under the Nursing Home Care Act. However, a long term care establishment may convert distinct parts of the establishment to assisted living. If the long term care establishment elects to do so, the establishment shall retain the Certificate of Need for its nursing and sheltered care beds that were converted.

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

An establishment for child care as defined in the Child Care Act of 1969.

A community living establishment as defined in the Community Living Facilities Licensing Act.

A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenants of a well-recognized church or religious denomination.

An establishment licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

A supportive residence licensed under the Supportive Residences Licensing Act.

A life care establishment as defined in the Life Care Facilities Act; a life care establishment may apply under the Act to convert sections of the community to assisted living.

A free-standing hospice establishment licensed under the Hospice Program Licensing Act.

A shared housing establishment.

A supportive living establishment as described in Section 5-5.01a of the Illinois Public Aid Code. (Section 10 of the Act)

Chemical restraint – any drug that is used for discipline or convenience and is not required to treat medical symptoms.

Comprehensive assessment – see Physician's assessment.

Contract – a legal document containing all information required by Section 90 of the Act between the resident or his/her representative and the establishment, outlining the rights and responsibilities of both parties.

Department – the Department of Public Health. (Section 10 of the Act)

Developmental disability – a severe, chronic disability of a person that:

is attributable to a mental or physical impairment or combination of mental and physical impairments;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and

reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services that are of lifelong or extended duration and are individually planned and coordinated.

Dietician – a person who is a licensed dietician as provided in the Dietetic and Nutrition Services Practice Act.

Direct care – the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.

Direct care staff – any person who provides assistance with nursing care or assistance with feeding, dressing, movement, bathing or other personal needs to a resident.

Direct supervision – oversight of the establishment by the manager.

Emergency situation – imminent danger of death or serious physical harm to a resident of an establishment. (Section 10 of the Act)

Evaluation or establishment evaluation – a determination by the establishment of a resident's abilities and needs, which takes into account the physician's assessment pursuant to Section 295.4000.

Financial exploitation – the act of obtaining control over the resident or his/her property through deception or intimidation with the intent of depriving the resident of the use, benefit or possession of his/her property.

Financial viability – having sufficient assets to provide mandatory services and utilities for at least a three-month period of time.

Full time – on duty a minimum of 36 hours, four days per week.

Governing body – the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of an establishment and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian – a person appointed under the Probate Act of 1975 as a guardian of the person or guardian of the estate, or both, of a resident.

Home health agency – a public agency or private organization that is licensed to provide home health services under the Home Health Agency Licensing Act.

Intermittent health-related services – health-related services provided episodically, irregularly, or for a limited time period.

License – any of the following types of licenses issued to an applicant or licensee by the Department:

> *Probationary license – a license issued to an applicant or licensee that has not held a license under the Act prior to its application or pursuant to a license transfer in accordance with Section 50 of the Act.*
>
> *Regular license – a license issued by the Department to an applicant or licensee that is in substantial compliance with the Act and this Part.* (Section 10 of the Act)

Licensed health care professional – a registered professional nurse, an advanced practice nurse, a physician assistant, and a licensed practical nurse who holds a valid Illinois license under the applicable licensure statute. (Section 10 of the Act)

Licensee – a person, agency, association, corporation, partnership, or organization

that has been issued a license to operate an assisted living or shared housing establishment. (Section 10 of the Act)

Manager – the individual in charge of overseeing and responsible for the day-to-day operation of the establishment.

Mandatory services – include the following:

> *3 meals per day available to the residents prepared by the establishment or an outside contractor;*
>
> *housekeeping services including, but not limited to, vacuuming, dusting, and cleaning the resident's unit;*
>
> *personal laundry and linen services available to the residents provided or arranged for by the establishment;*
>
> *security provided 24 hours each day including, but not limited to, locked entrances or building or contract security personnel;*
>
> *an emergency communication response system, which is a procedure in place 24 hours each day by which a resident can notify building management, an emergency response vendor, or others able to respond to his or her need for assistance; and*
>
> *assistance with activities of daily living as required by each resident.* (Section 10 of the Act)

Medication administration – refers to a licensed health care professional employed by the establishment engaging in administering routine insulin and vitamin B-12 injections, oral medications, topical treatments, eye and ear drops, or nitroglycerine patches. (Section 70 of the Act)

Medication reminders – reminding residents to take pre-dispensed, self-administered medication, observing the resident, and documenting whether or not the resident took the medication. (Section 70 of the Act)

Neglect – a failure by the establishment to provide services, as outlined in the service delivery contract; a failure to notify the appropriate health care professional that an assessment is necessary in accordance with the service plan; a failure to modify a service plan, as appropriate, based on a new physician's assessment; or a failure to terminate the residency of an individual whose needs can no longer be met by the establishment, which failure results in an avoidable decline in function.

Negotiated risk – the process by which a resident, or his or her representative, may formally negotiate with providers what risks each are willing and unwilling to assume in service provision and the resident's living environment. The provider assures that the resident and the resident's representative, if any, are informed of the risks of these decisions and of the potential consequences of assuming these risks. (Section 10 of the Act)

Negotiated risk agreement – a binding agreement, in compliance with Section 295.2070 of this Part, describing conditions or situations that could put the resident at risk of harm or injury, and describing the resident's agreement with the establishment for how those conditions or situations are to be handled.

Nonmedical services – optional services such as, but not limited to, transportation; social, recreational, educational and religious services; and shopping.

Nurse – a registered nurse or a licensed practical nurse as defined in the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

Operator – the person responsible for the control, maintenance and governance of the establishment, its personnel and physical plant.

Optional services – may include but are not limited to *medication reminders, supervision of self-administered medication, medication administration and nonmedical services.* (Section 70 of the Act)

Other resident injury – occurs when a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Owner – the individual, partnership, corporation, association, or other person who owns an assisted living or shared housing establishment. In the event an assisted living or shared housing establishment is operated by a person who leases or manages the physical plant, which is owned by another person, "owner" means the person who operates the assisted living or shared housing establishment, except that if the person who owns the physical plant is an affiliate of the person who operates the assisted living or shared housing establishment and has significant control over the day to day operations of the assisted living or shared housing establishment, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 10 of the Act)

Person – any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity.

Physical restraint – any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, that the individual cannot remove easily and that restricts freedom of movement or normal access to one's body.

Physician – a person licensed under the Medical Practice Act of 1987 to practice medicine in all of its branches. (Section 10 of the Act)

Physician's assessment – *a comprehensive assessment that includes an evaluation of the resident's or prospective resident's physical, cognitive, and psychosocial condition, completed by a physician.* (Section 15 of the Act)

Residency termination – the relocation or transfer of a resident from an establishment.

Resident – a person residing in an assisted living or shared housing establishment. (Section 10 of the Act)

Resident's representative – a person, other than the owner, agent, or employee of an establishment or of the health care provider unless related to the resident, designated in writing by a resident to be his or her representative. This designation may be accomplished through the Illinois Power of Attorney Act, pursuant to the guardianship process under the Probate Act of 1975, or pursuant to an executed designation of representative form specified by the Department. (Section 10 of the Act)

Risk management – the process by which an establishment assesses and addresses potential liability.

Self – the individual or the individual's designated representative. (Section 10 of the Act)

Service plan – a written plan developed and mutually agreed upon by the provider and the resident; which is reviewed annually, or more often as the resident's condition, preferences, or service needs change; and which serves as a basis for the service delivery contract between the provider and the resident. (Section 15 of the Act)

Severe mental illness – a condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1994), where the individual is substantially disabled due to mental illness in the areas of self-maintenance, social functioning, activities of community living and work skills, and the disability specified is expected to be present for a period of not less than one year, but does not mean Alzheimer's disease and other forms of dementia based on organic or physical disorders. (Section 75(a)(6) of the Act)

Shared housing establishment or establishment – a publicly or privately operated free-standing residence for 12 or fewer persons, at least 80% of whom are 55 years of age or older and who are unrelated to the owners and one manager of the residence, where the following are provided:

> *services consistent with a social model that is based on the premise that the resident's unit is his or her own home;*
>
> *community-based residential care for persons who need assistance with activities of daily living, including housing and personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident; and*
>
> *mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or the resident's representative.*

Shared housing establishment or establishment does not mean the following:

A home, institution, or similar place operated by the federal government or the State of Illinois.

A long term care establishment licensed under the Nursing Home Care Act. A long term care establishment may, however, convert sections of the establishment to assisted living. If the long term care establishment elects to do so, the establishment shall retain the Certificate of Need for its nursing beds that were converted.

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

An establishment for child care as defined in the Child Care Act of 1969.

A community living establishment as defined in the Community Living Facilities Licensing Act.

A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenets of a well-recognized church or religious denomination.

An establishment licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

A supportive residence licensed under the Supportive Residences Licensing Act.

A life care establishment as defined in the Life Care Facilities Act; a life care establishment may apply under the Act to convert sections of the community to assisted living.

A free-standing hospice establishment licensed under the Hospice Program Licensing Act.

An assisted living establishment.

A supportive living establishment as described in Section 5-5.01a of the Illinois Public Aid Code. (Section 10 of the Act)

Sheltered care facility – a location licensed as a sheltered care facility under the Nursing Home Care Act.

Significant change in the resident's condition – a change in the resident's condition that is substantial enough to indicate to a reasonable person that current supports and services are insufficient, taking into account the resident's wishes as addressed in any negotiated risk agreements in effect. A significant change is not a temporary change in the individual's health with a predictable course, such as a cold or flu, or

the gradual deterioration in the ability to carry out activities of daily living that accompanies the aging process.

Substantial compliance – meeting requirements, except for unimportant omissions or defects, given the particular circumstances involved.

Substantial failure – the failure to meet requirements, other than unimportant omissions or defects, given the particular circumstances involved.

Sufficient – same as adequate.

Supervision of self-administered medication – assisting the resident with self-administered medication using any combination of the following: reminding residents to take medication, reading the medication label to residents, checking the self-administered medication dosage against the label of the medication, confirming that residents have obtained and are taking the dosage as prescribed, and documenting in writing that the resident has taken (or refused to take) the medication. If residents are physically unable to open the container, the container may be opened for them. Supervision of self-administered medication shall be under the direction of a licensed health care professional. (Section 70 of the Act)

Total assistance – staff or another individual performs the entire activity of daily living without participation by the resident. (Section 10 of the Act)

Unit – a separate and physically identifiable space that is used for occupancy.

Valid license – a license that is unsuspended, unrevoked, and unexpired.