

MINUTES OF A REGULAR MEETING

URBANA ZONING BOARD OF APPEALS

DATE: July 20, 2000

DRAFT

TIME: 5:30 p.m.

PLACE: Urbana City Building
400 S. Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Anna Merritt, Jim Fitzsimmons, Herb Corten,
Charles Warmbrunn, Darwin Fields

MEMBERS ABSENT Paul Armstrong, Harvey Welch

STAFF PRESENT: Elizabeth Tyler, Assistant City Planner
Rob Kowalski, Senior Planner
Pat Tarte, Recording Secretary

OTHERS PRESENT: Jason Corskey, Kathy Littleton, Paul Tatman,
Jim Schuett, Stanley Rahn, Don Jadley, Betty Wirth

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

The meeting was called to order at 5:30 p.m. A quorum was declared present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The minutes from the June 29, 2000 meeting were accepted as written.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

Case #ZBA-00-MAJ-3, University of Illinois, Project Planning & Facilities Management was withdrawn at the petitioner's request.

6. OLD BUSINESS

There was none.

7. NEW PUBLIC HEARINGS

Case # ZBA-00-C-7, request for a Conditional Use Permit to allow a daycare business at 1603 E. Mumford Avenue in a B-3, General Business Zoning District.

Mr. Kowalski presented an overview of the case stating that the petitioner is proposing to construct a day care business in the B-3 general business zoning district. The request is for a 10,000 square foot day care center and would be a relocation of the current day care center currently housed in Sunnycrest Mall, called Happy House Day Care. The lot is a 5 acre lot known as lot 1 of the Eagle Ridge Subdivision. The proposal is to subdivide the lot into two tracts. The 1.3 acre lot created would be the site for the development. There would be ample room for parking. Mr. Kowalski concluded his presentation with a staff recommendation for approval of the Conditional Use Permit with the following conditions:

1. The three existing trees in the right-of way along Mumford Avenue be preserved. 2. The existing trees along the eastern property line be preserved. Any that are removed or damaged be replaced by a similar sized species. 3. The lighting for the parking lot be designed to avoid any direct illumination onto the neighboring residential properties. 4. A subdivision plat creating the lot as shown be recorded within 6 months of the approval of the Conditional Use Permit.

Mr. Corten asked if the big stone sign that is currently on the lot will remain or be removed. Mr. Kowalski stated that the stone is not on the proposed lot. Mr. Corten suggested a berm be constructed to address the lighting issue. Ms. Merritt reiterated that the board could add a condition to the approval of the permit that would address the lighting issue.

Mr. Fitzsimmons was concerned with the swail that runs thru the two lots. He stated that from the drawings, it appears that the building will be built directly over the swail. Mr. Fitzsimmons stated he hoped that the existing trees that would need to be removed, be relocated on the property, rather than cut down. He also recommended that they fill in the hole in the screen with at least one, if not more to help alleviate the light problem with the neighbors.

Mr. Warmbrunn asked that with 18 employees, how many children that they would be watching, concerning the traffic flow to and from the facility.

Jason Corskey, Colwell Banker Commercial, Devonshire Realty, stated his role was to bring the builder and the applicant together to provide the facility and services needed.

Mr. Corskey stated that it would be a one story building, approximately 10,000 square feet, divided into several classrooms with daycare features. Mr. Fitzsimmons asked how many students were currently at the Sunnycrest facility. Mr. Corskey stated there were approximately 100 students.

Mr. Warmbrunn asked if Mr. Weber still owned the lots adjacent to the property in question. Mr. Kowalski stated that Mr. Weber did own the lots and that he thought the lots would be used for a subdivision at a later time.

Mr. Fields asked if there was a drawing of the facility that the board could look at. Mr. Corskey stated that the drawings weren't finished at this time.

Kathy Littleton, owner/director, Happy House Learning Center, spoke next. She stated that the fence would be chain link, approximately 5 feet high, there will be grass and pea gravel in the playground area and possibly a concrete side walk.

Mr. Warmbrunn asked approximately what time they would be arriving at the facility. Ms. Littleton stated that the majority of the 1500 children would be arriving between 6:30 a.m. and 8:45 a.m. Mr. Warmbrunn asked what time the children would be going out into the play area. Ms. Littleton stated that there wouldn't be a set time for the children to be outside, but the children would not go outside until after 9:00 a.m. when the programs start.

Mr. Corten asked if Ms. Littleton anticipated traffic problems during drop off and pick up of the children at the new facility. Ms. Littleton stated that the parents do not arrive at the same time. She also stated that there are normally 3 to 4 parents at the facility getting the children at the same time.

Paul Tatman, builder of the proposed project, spoke next. Mr. Warmbrunn asked if the building could be moved to the west. Mr. Tatman said preferably not. Mr. Warmbrunn asked if the building would be a screen for the playground and the neighborhood. Mr. Tatman said yes. Mr. Kowalski stated that Bill Gray, City Engineer, would require a storm water management plan prior to reviewing or approving any plans for the site before they are allowed to build.

Mr. Fitzsimmons asked how much room was needed between the building and the trees. Mr. Tatman stated that his intent is to preserve the trees that are there and use them as a buffer. Mr. Fitzsimmons asked what type of building materials would be used for the structure. Mr. Tatman stated it would be a wood frame building with two or three different roof lines. It will be built in more of a house design, with some vinyl and some brick.

Mr. (I didn't hear his name??) Tom Valerno??? asked Mr. Kowalski where the property line was located. Mr. Kowalski stated the next step of this project is to prepare a subdivision plat of the property which would cause them to have the lot surveyed. Mr. ?? asked if zoning regulations would require that when you go from residential to commercial

there be a buffer of a certain height. Mr. Kowalski stated the height of the buffer must be 24” or 2 feet. Mr. ?? was concerned about the drainage of the property. Mr. Kowalski reiterated that the drainage problem would have to be addressed before the project could go forward. Mr. ?? added that he was in favor of the project.

Mr. Jim Schuett, lot 29, 1603 Eagle Ridge Road, stated his concern was with the lot line on the east side of the project. He stated that when he bought his lot, he was told by Busey Bank that the 10 foot buffer, the trees, was permanent and to be maintained. Mr. Fitzsimmons stated that one of the stipulations of the board approving the conditional use permit is to have the trees preserved. Mr. Schuett stated that the boundary needed to be clarified before the project moves forward. He also stated that he felt the majority of the neighbors were in favor of the facility.

Mr. Stanley Rahn, 10 year Eagle Ridge resident, stated that he felt the new day care facility would have a negative impact on the neighborhood. Mr. Rahn’s primary concern is the traffic the facility would create. Mr. Warmbrunn asked how long before Mumford connects to Stone Creek Boulevard. Mr. Kowalski said he didn’t know of any plans of Mumford connecting to Stone Creek Boulevard.

Mr. Don Jadely (sp?) , Eagle Ridge resident, wanted to know if the children would be bussed in to the day care facility. The board verified that there would be no busses coming to the facility. He also wanted to know who would maintain the strip of lawn all the way to Philo Road since the Homeowner’s Association now pays dues to maintain it.

Ms. Betty Wirth, Eagle Ridge resident, stated that there are two stone gates at the entrance to Eagle Ridge. She wanted to know if this was the only entrance to Eagle Ridge or if another entrance would be put in later.

Mr. Warmbrunn wanted to make sure there would be follow up to this case. Mr. Kowalski stated that if the Conditional Use Permit was approved, the next step would be construction plans that the Building Safety team in Community Development would review the approval of the board. If the case if approved with conditions, Building Safety would make sure the conditions were met.

Mr. Jim Schuett returned to the podium to speak on the lot line. He was concerned that his lot line was adjacent to the proposed development. He felt the lot line was east of the tree line. Mr. Fitzsimmons asked him to clarify his statement. Mr. Schuett stated that he thought the trees were on the new lot.

Mr. Fitzsimmons moved to defer further hearings on ZBA-00-C-7 to August 10th at 7:30 p.m. Mr. Corten seconded.

Ms. Merritt called for a roll call. The vote follows:

Ms. Merritt, aye

Mr. Fitzsimmons, aye

Mr. Corten, aye

Mr. Warmbrunn, aye Mr. Fields, aye

The motion passed 5-0.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

11. STUDY SESSION

There was none

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 6:30 p.m.

Respectfully submitted,

April D. Getchius, Secretary
Urbana Plan Commission