



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Zoning Board of Appeals

FROM: Marcus Ricci, Planner II

DATE: August 11, 2017

SUBJECT: **ZBA Case 2017-C-01:** a request by Andrew Fell on behalf of Corley Rentals, LLC, for a Conditional Use Permit to allow a Daycare Facility at 1809 South Philo Road in the B-3 General Business Zoning District.

Introduction

Andrew Fell is requesting a Conditional Use Permit, on behalf of building owner Corley Rentals, LLC, to allow a Day Care Facility at 1809 South Philo Road. "Day Care Facility" is defined in the Urbana Zoning Ordinance as any facility other than a "Day Care Home" that provides care for children or dependent adults. The subject property, located in the B-3 General Business Zoning District, may be used as a Day Care Facility with a Conditional Use Permit according to Table V-1 in the City of Urbana Zoning Ordinance. The applicant states that the Day Care Facility would provide relevant services that are not currently centrally available to residents of the surrounding districts.

Background

The subject property is a 1.21-acre lot on the west side of South Philo Road between Colorado and East Florida Avenues in southeast Urbana. The 26,510 square foot, one-story building is located behind the Walgreen's store and is divided into three east-facing storefronts and four south-facing suites. The proposed Day Care Facility would be located in the northernmost storefront, which is addressed as 1803 South Philo Road, and encompasses 5,764 square feet. The storefront is currently vacant and was most recently used for the Hot Slots radio-controlled vehicle hobby store. Proposed improvements include a large indoor recreation space, five activity spaces, two bathrooms, a reception area, and office and other ancillary spaces necessary for the day care operation. The main entrance would be to the east; there is also a rear door to the west leading to dumpster area. No building expansion or cooking facilities have been proposed at this time. According to a 2007 parking and access easement with the northerly and southerly adjacent property owners, parking is shared across the lots.

The proposed Day Care Facility tenant owner would be Judy Woodall, who operates the Bradley Learning Center located at 1311 East Florida Avenue, and proposes to lease the space from the owner. Similar to the Bradley Learning Center, she anticipates enrolling 50-60 school-aged children

for before- and after-school programs, with operating hours of 6:30 a.m. to 5:30 p.m. Because of the age of the children and the nature of the before- and after-school programming, this operation would be exempt from licensing by the Illinois Department of Children and Family Services (DCFS), but would still be regulated and inspected to a certain extent. This would include setting attendance capacity and staffing ratios. According to Elizabeth Seggebruch of the Champaign office of DCFS, preliminary estimates for this proposed facility would be a maximum of 20 children in attendance at any one time, and a minimum staffing level of 1 staff person to 20 school-aged children.

Land Use and Zoning

The subject property is located on the west side of South Philo Drive, between Colorado and East Florida Avenues in southeast Urbana (Exhibit A). It is part of the shopping center which includes Planet Fitness, many personal service establishments, and a standalone Walgreen’s store to the east. To the north lies Sunnycrest Center with retail, personal service, and professional service establishments and restaurants. To the south lies the former County Market grocery store, currently vacant, with attached restaurant storefronts, and standalone retail shops and a gasoline station. Further east lies the Urbana Lighthouse Church of the Nazarene and Secure Self-Storage; and standalone Heartland Bank and CVS Pharmacy. To the west lies Crestview Park.

Multifamily residential apartment buildings lie further out to the north, east, and west. The table below lists the subject and surrounding properties’ current zoning (Exhibit B), land use, and the future land use designated by the City of Urbana’s 2005 Comprehensive Plan (Exhibit C).

Location	Zoning	Existing Land Use	Future Land Use
Subject Site	B-3 General Business	Vacant, formerly retail	Community Business
North	B-3 General Business	Personal & professional services; restaurants	Community Business
South	B-3 General Business	Vacant, formerly grocery store; restaurant; gasoline station	Community Business
East	B-3 General Business	Pharmacy and convenience store	Community Business
West	CRE Conservation-Recreation-Education	Crestview Park	Park

Discussion

The owner wishes to establish a Day Care Facility to be operated by future tenant Judy Woodall to provide childcare services for school-aged children living in the nearby area. As indicated above, the surrounding area contains many multifamily apartment buildings whose residents might benefit from conveniently-located child care services. The facility is easily accessible by pedestrians and is located near major transit routes and the bike lanes along South Philo Road.

The site of the proposed Day Care Facility is currently vacant but was most recently used as a hobby store. The property owner would maintain the footprint of the building and therefore not increase its impact on neighboring properties.

The total number of children that could be served is determined by the Illinois Department of Children and Family Services and is based on the age of the children, the room size, the size of each group, and the number of staff available. DCFS will be asked to inspect the site pending the of the Zoning Board of Appeals' approval of the Conditional Use Permit.

The proposed use would be beneficial to the neighborhood and the City. The proposed site is centrally- and conveniently-located within a General Business district surrounded by higher-density residential districts. The building footprint is proposed to remain the same, and the parking and drop-off areas are adequate to serve the proposal.

Requirements for a Conditional Use Permit

According to Section VII-2 of the Urbana Zoning Ordinance, an application for a Conditional Use Permit shall demonstrate the following requirements shown in italics. City Staff analysis follows each criteria.

1. That the proposed use is conducive to the public convenience at that location.

The proposed Day Care Facility is conducive to the public convenience because the proposed location along South Philo Road is very accessible to potential clients, as it lies along a major thoroughfare equipped with bicycle lanes and serviced by transit. The proposed facility will provide essential services that are not currently centrally available to residents of the surrounding single-family and multi-family use districts (Exhibit D).

2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.

This Day Care Facility will be designed, located, and operated so as not to be unreasonably injurious or detrimental to the B-3, General Business district or to the public welfare. It will be designed to all standards adopted by the Urbana Building Safety Division as well as any requirements outlined by the Illinois Department of Children and Family Studies (DCFS). It will be located in an existing separated mixed-use commercial complex that is proximal to several residential neighborhoods and public parks. The facility will also be operated according to all applicable standards by experienced professionals, as is evidenced by the proposed operator's previous experience operating Bradley Learning Center located at 1311 East Florida Avenue in Urbana since 1970.

The B-3 General Business zoning district's allowance for commercial developments can result in significant amounts of traffic and activity in an area. Although the proposed Day Care Facility would have employees and regular clients, it is less intensive than most commercial development, as it will not be open in the evening or on weekends as would most commercial enterprises, limiting to daytime business hours and the majority of traffic activity will be in the morning and evening to drop-off and pick-up children. In addition, locating these facilities near residential areas provides easier access for residents to the day care services.

3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-3.

The Philo Road Business District is a small commercial area centrally located in a primarily residential area, indicating that a Day Care Facility fits well within the essential character of the

district. Additionally, nearby facilities include public parks, elementary schools, and churches, indicating that the commercial district's character is conducive to a Day Care Facility. The proposal would conform to the general purpose and intent of the B-3, General Business zoning district, which is intended:

"To provide areas for range of commercial uses wider than that of the Neighborhood Business zoning district, but at a lower intensity than allowed in the Central Business zoning district, meeting the general business needs of the city."

The development will also meet all the development regulations of the City of Urbana Zoning Ordinance.

Development Regulations

Table VIII-7 of the Zoning Ordinance requires three parking spaces for every two employees for a Day Care Facility, plus a drop-off/pick-up facility for children. There are more than 260 shared parking spaces available for this site, so there is more than enough parking to meet the needs of the daycare facility. . The applicant proposes locating the drop-off/pick-up facility to the northeast of the main entrance, directly north of the Walgreen's store (Exhibit E).

Comprehensive Plan Goals & Objectives

The following goals and objectives from the 2005 Urbana Comprehensive Plan are relevant to the proposed Conditional Use Permit:

Goal 4.0 Promote a balanced and compatible mix of land uses that will help create long-term, viable neighborhoods.

Objective 4.1 Encourage a variety of land uses to meet the needs of a diverse community.

Goal 5.0 Ensure that land use patterns conserve energy.

Objective: 5.1 Encourage development patterns that help reduce dependence on automobiles and promote different modes of transportation.

Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.

Objective: 16.1 Encourage a mix of land use types to achieve a balanced growing community.

Objective: 16.3 Encourage development in locations that can be served with existing or easily extended infrastructure and city services.

Consideration

According to Zoning Ordinance § XII-2, the Zoning Board of Appeals shall determine whether the reasons set forth in the application, and the evidence adduced during the public hearing, justify the granting of the conditional use permit, and whether the proposed use will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

In addition, the Zoning Board of Appeals may also impose such additional conditions and requirements on the operation of the proposed use as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Ordinance, including but not limited to the following:

1. Regulate the location, extent, and intensity of such use;
2. Require the screening of such use by means of fences walls or vegetation;
3. Stipulate a required minimum lot size;
4. Regulate vehicular access and volume;
5. Require conformance to health, safety, and sanitation requirements as necessary;
6. Increase the required yards; and
7. Any other conditions deemed necessary to affect the purposes of this Ordinance.

Summary of Findings

1. The applicant proposes to operate a Day Care Facility at 1809 South Philo Road in the B-3 General Business Zoning District. The Urbana Zoning Ordinance allows the use of Day Care Facility (non-home based) with a Conditional Use Permit in the B-3 district.
2. The building on the subject property building is 26,510 square feet; the proposed site is the northernmost storefront addressed as 1803 South Philo Road. The subject property has 26 parking spaces on-site, and shares parking with the adjacent parcels with a total capacity of over 260 parking spaces. A drop-off/pick-up area will be constructed in the shared parking area to the northeast. The applicants will make renovate the interior and not expand the building footprint.
3. The proposed use is conducive to the public convenience because it is very accessible to potential clients as it lies along a major thoroughfare equipped with bicycle lanes and serviced by transit, and will provide essential services not currently available to residents of the surrounding single- and multi-family zoning districts.
4. The proposed use would not be a detriment to the B-3 General Business Zoning District because it will be designed to all standards adopted by the Urbana Building Safety Division and the Illinois Department of Children and Family Studies (DCFS). It will be located in an existing mixed-use commercial complex proximal to several residential neighborhoods and public parks.
5. The proposed use is consistent with the applicable regulations and standards of, and preserves the essential character of, the B-3 General Business district in which it shall be located.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2017-C-01:

1. **Grant** the conditional use as submitted; or
2. **Deny** the conditional use as submitted; or

3. **Grant the conditional use along with any additional conditions and requirements** as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of the Zoning Ordinance.

Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **APPROVE** the proposed conditional use in case ZBA-2017-C-01 for the reasons articulated above. Should the Zoning Board of Appeals approve the proposed use, Staff recommends that the use shall be subject to the following conditions:

1. The use must conform to all applicable zoning, building, development, and State of Illinois Department of Children and Family Services codes.
2. The use generally conforms with the site plan and floor plan submitted in this application (Exhibit E).

The specifics of this recommendation may change during the course of formal review of ZBA Case No. 2017-C-01.

Attachments: Exhibit A: Location & Aerial Map
 Exhibit B: Zoning Map
 Exhibit C: Future Land Use Map
 Exhibit D: Conditional Use Permit Application
 Exhibit E: Parking and Access Easement
 Exhibit F: Site Photos

cc: Andrew Fell, Applicant
 Jon Corley, Owner
 Judy Woodall, Tenant Operator

Exhibit A: Location & Existing Land Use Map



Case: ZBA-2017-C-01
 Subject: CUP for Corley Day Care Facility
 Location: 1809 South Philo Road, 1803 Storefront
 Petitioner: Andrew Fell, for Corley Rentals, LLC

 Subject Property

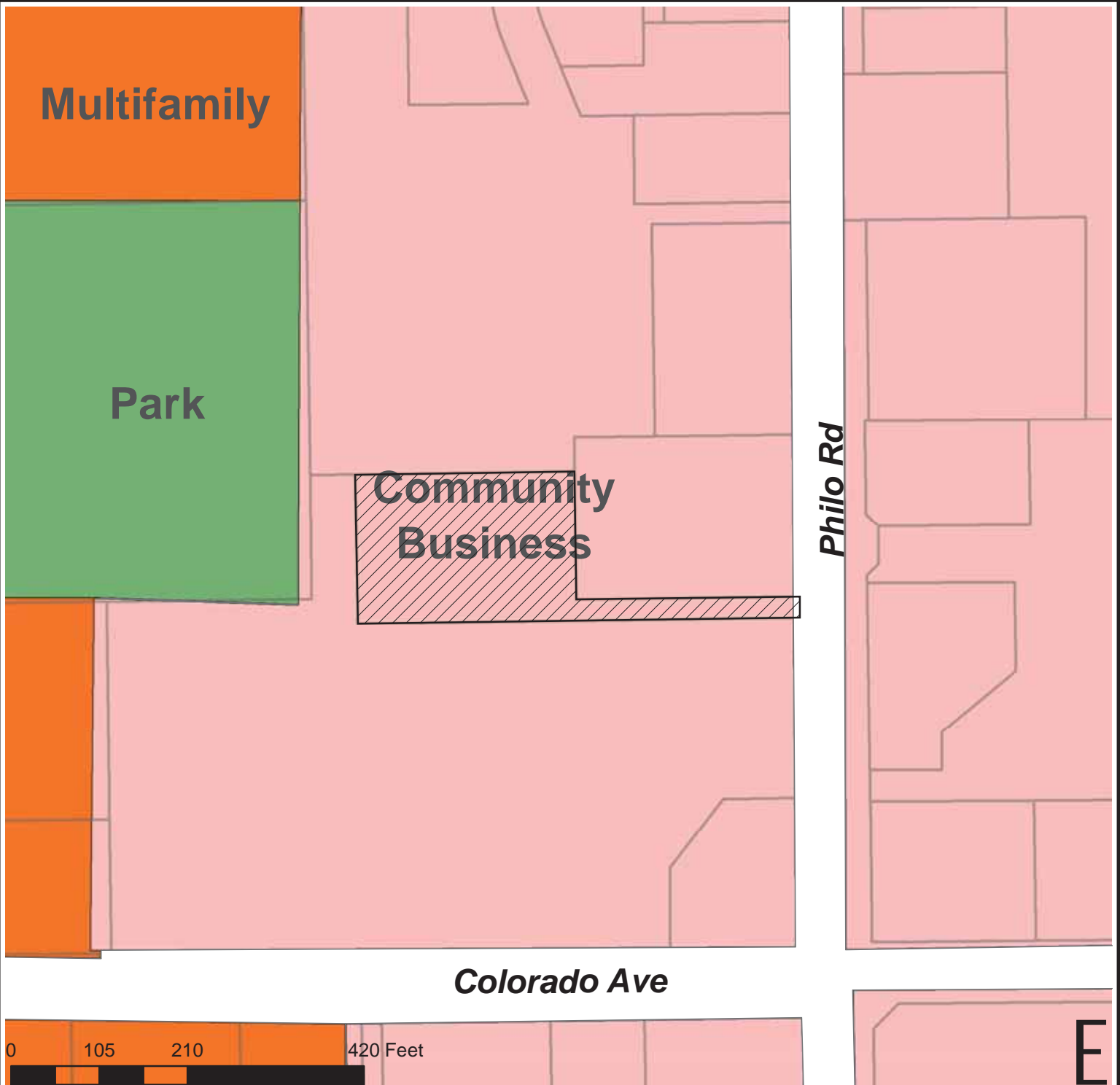
Exhibit B: Zoning Map



Case: ZBA-2017-C-01
Subject: CUP for Corley Day Care Facility
Location: 1809 South Philo Road, 1803 Storefront
Petitioner: Andrew Fell, for Corley Rentals, LLC

- B3
- CRE
- R5
- R6
- Subject Property

Exhibit C: Future Land Use Map



Case: ZBA-2017-C-01
Subject: CUP for Corley Day Care Facility
Location: 1809 South Philo Road, 1803 Storefront
Petitioner: Andrew Fell, for Corley Rentals, LLC

- Multi-Family Residential
- Community Business
- Park
- Subject Property



Application for Conditional Use Permit

ZONING BOARD OF APPEALS

APPLICATION FEE - \$150.00

RECEIVED
JUL 19 2017
4:00 PM

The Applicants are responsible for paying the cost of legal publication fees as well. Estimated costs for these fees usually run between \$75.00 to \$225.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed _____ ZBA Case No. _____

Fee Paid - Check No. _____ Amount _____ Date _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A CONDITIONAL USE PERMIT is requested in conformity with the powers vested in the Zoning Board of Appeals to permit the following use or construction purpose:

A daycare facility for the care of school aged children
on the property described below, and in conformity with the plans in the permit application.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Andrew Fell Architecture and Design Phone: 217-363-2890

Address (street/city/state/zip code): 515 N. Hickory Street Suite 101, Champaign, IL 61820

Email Address: andrewfell@comcast.net

Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Architect

2. OWNER INFORMATION

Name of Owner(s): Corley Rentals LLC Phone: 217-637-0874

Address (street/city/state/zip code): 2506 Brett Drive, Champaign, IL 61802

Email Address: jim@coreleyrentals.com

Is this property owned by a Land Trust? Yes No
If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: 1809 S. Philo Road, Urbana, IL 61802

PIN # of Location: 93-21-21-126-050

Lot Size: 26,510 S.F.

Current Zoning Designation: B-3

Current Land Use (*vacant, residence, grocery, factory, etc:* Separated Mixed Use (Vacant Tenant Space)

Proposed Land Use: **At tenant space, daycare facility**

Legal Description (*If additional space is needed, please submit on separate sheet of paper*):

Lot 200 of Networks USA-Sunnycrest Subdivision, as per plat recorded July 6, 2007 as Document 2007 R 17800 in Champaign, County, Illinois ("Property") P.I.N. 93-21-21-126-050 commonly known as 1809 S. Philo Road, Urbana, IL 61801

4. CONSULTANT INFORMATION

Name of Architect(s): Andrew Fell Architecture and Design Phone: 217-363-2890

Address (*street/city/state/zip code*): 515 North Hickory Street, Champaign, IL 61820

Email Address: andrewfell@comcast.net

Name of Engineers(s): Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Surveyor(s): Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Professional Site Planner(s): Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Attorney(s): Phone:

Address (*street/city/state/zip code*):

Email Address:

5. REASONS FOR CONDITIONAL USE PERMIT

Explain how the proposed use is conducive to the public convenience at the location of the property.

As a commercial district surrounded by single-family and multi-family use zones, a daycare is conducive to the public convenience because it provides relevant services that are not currently centrally available to residents of the surrounding districts.

Explain how the proposed use is designed, located and proposed to be operated, so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

This daycare facility will be designed to all standards adopted by the Urbana Building Safety Division as well as any requirements outlined by the Illinois Department of Children and Family Studies (DCFS). It will be located in an existing separated mixed use commercial complex that is also proximal to several residential neighborhoods and public parks. The facility will also be operated according to all applicable standards by experienced professionals, as is evidenced by the tenant's previous experience operating Bradley Learning Center located at 1311 East Florida Avenue in Urbana since 1970. More information can be obtained from Judy Woodall at center@gmail.com.

Explain how the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located (except where such regulations and standards may be modified by Section VII-3 of the Urbana Zoning Ordinance, 1979).

The fact that Philo Road Business District is a small commercial area central to a largely residential area illustrates that a daycare facility fits well within the essential character of the district. Additionally, though not within the district itself, many elements such as public parks, elementary schools, and churches show that the commercial district's character is conducive to a daycare facility use.

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.



Applicant's Signature

7.19.17

Date

CRESTVIEW PARK

PROPOSED DAYCARE
FACILITY LOCATION

LOT 200

PROPERTY LINE = 260'-6"

PROPERTY LINE = 176'-4"

PROPERTY LINE = 149'-4"

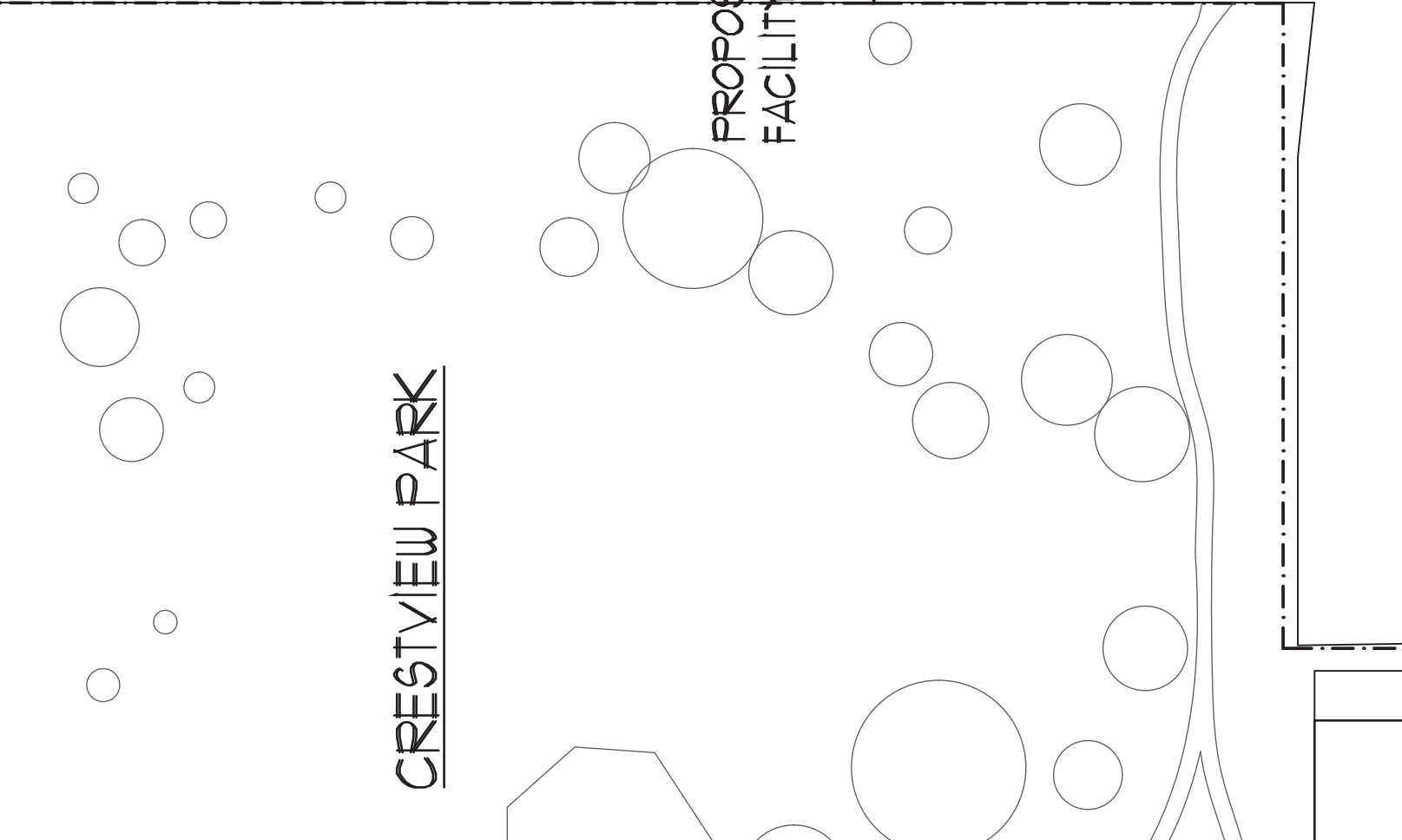
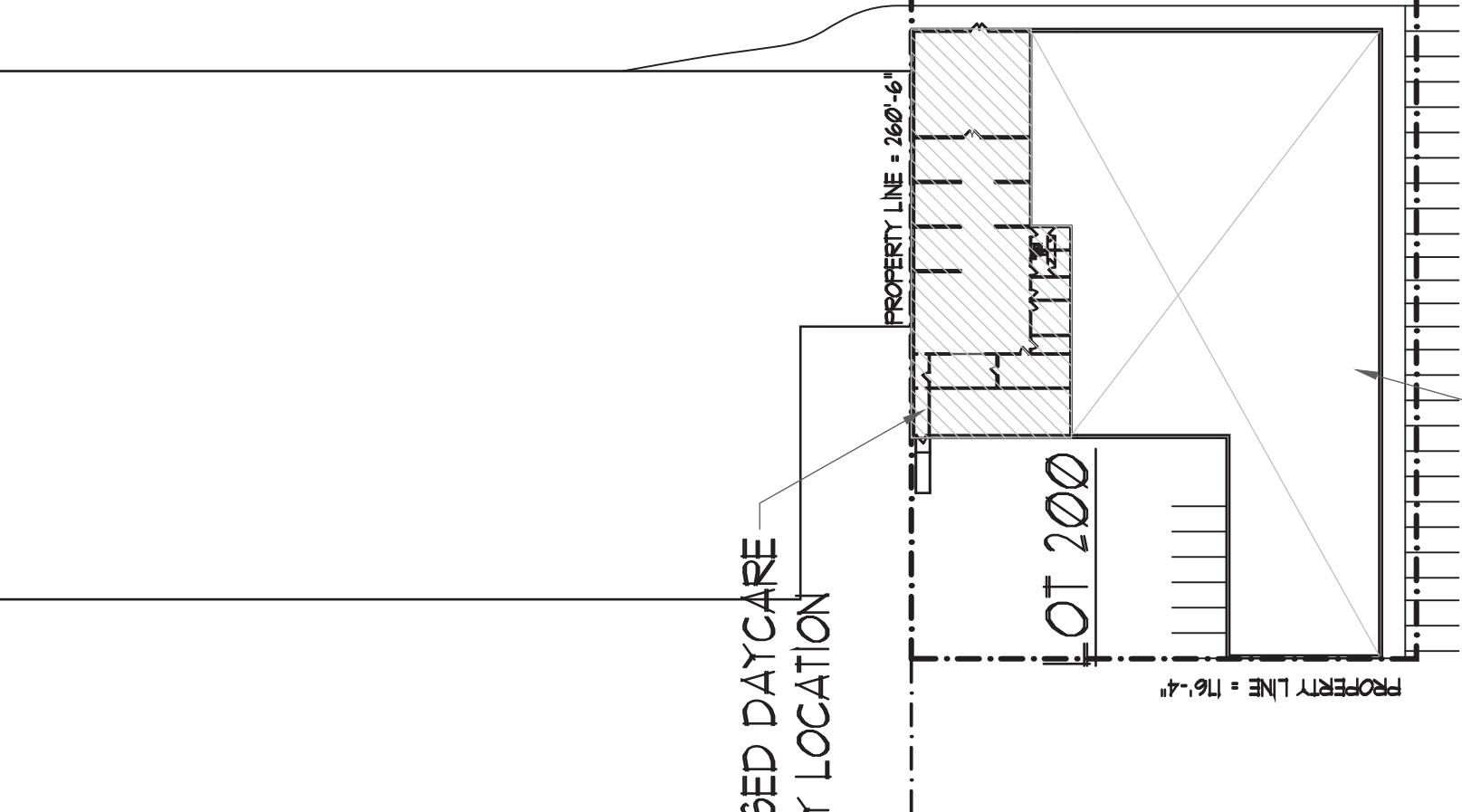
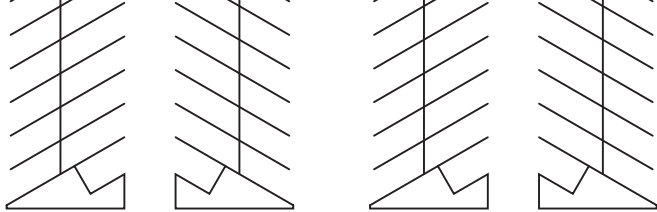


Exhibit F: Site Photos



Figure 1. Front of storefront.



Figure 2. Interior of storefront.



Figure 3. Storefront sidewalk facing north.



Figure 4. Rear of storefront.



Figure 5. Storefront sidewalk facing south.



Figure 6. Storefront sidewalk facing east, toward proposed drop-off/pick-up spaces.