



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: Paul Lindahl, Planner II

DATE: September 14, 2007

SUBJECT: ZBA Case 2007-C-04: A request by Ms. Cherry Boland-Williams for a Conditional Use Permit to allow the establishment of a “Day Care Facility” in the R-2, Single-Family Residential Zoning District at 1910 Kathryn Street.

Introduction & Background

This case is a request by Ms. Cherry Boland-Williams for a Conditional Use Permit to allow the establishment of a home-based “Day Care Facility” at her residence at 1910 Kathryn Street in the R-2 Single-Family Residential Zoning District. Ms. Boland-Williams wishes to establish the “Adult Day Time and Respite Kottage” at the subject location. The facility would provide adult day care services within her home, as well as limited “respite” care. Please see the attached application for a detailed description of her business.

The subject property is located at the southern end of Kathryn Street which was platted as part of the Prairie Winds Subdivision. The majority of the surrounding neighborhood is largely undeveloped, but will become residential. To the east is residential property along Stone Creek Boulevard. To the south is vacant land in agricultural use that will be part of the future phases of Eagle Ridge Subdivision. To the north and the west are lots for single family residences along Kathryn Street.

The Prairie Winds Subdivision has three distinct areas. The eastern end where the subject property is located is platted in single family lots for detached houses. The center portion is platted with zero-lot-line duplex homes around a loop road called Prairie Winds Circle. This zero-lot-line development is intended to be an over 55 year old community. The western part of the subdivision is a single lot with a Supportive Living Facility for elderly residents.

The following chart identifies the Comprehensive Plan designation, current zoning, and current land use of the site and surrounding properties.

Survey of Comprehensive Plan Designation, Zoning, and Land Use

Direction	Zoning	Existing Land Use	Comprehensive Plan – Future Land Use Designation
Subject Site	R-2, Single-Family Residential	New Single-Family home	Mixed Residential – Suburban Pattern
North	R-2, Single-Family Residential	Under construction Single-Family home	Mixed Residential – Suburban Pattern
South	R-1, Single-Family Residential	Vacant – in agriculture	Residential – Suburban Pattern
East	R-2, Single-Family Residential	Vacant – in agriculture	Residential – Suburban Pattern
West	R-2, Single-Family Residential	Vacant single-family lot	Mixed Residential – Suburban Pattern

(Please refer to the attached Comprehensive Plan, Zoning and Land Use maps for further information.)

Discussion

In the Urbana Zoning Ordinance Table V-1: "Table of Uses", states that a "Day Care Facility (non-home based)" may be permitted in the R2, Single-Family residential zoning district as a Conditional Use. The Zoning Ordinance Sec. II-3 allows “Day Care Home” as a Home Occupation when the total of clients present is limited to 8 or fewer children.

Section V-1.B of the Zoning Ordinance states:

“In the case of a use not specifically mentioned in Table V-1, such a use shall be subject to the regulations of the use (whether permitted by right, a conditional use, or special use) to which it is most related or similar, as determined by the Zoning Administrator. He/she may determine that such a use is either permitted by right, permitted as a conditional use, permitted as a special use, or not permitted in any particular district.”

Based upon this provision of the Zoning Ordinance and the nature of the proposed use, the Zoning Administrator has determined that the proposal should be considered similar to a “Day Care Facility” as shown in Table V-1: "Table of Uses" and therefore that a Conditional Use Permit shall be required.

In consultation with the Building Safety Division code reviewers, the Zoning Administrator further determined that due to the construction method of the house a maximum of 8 clients could be allowed in the Adult Day Care at any given time. In addition the Zoning Administrator determined that a maximum of two clients could be permitted to stay overnight for "respite" care. The recommended limit of two clients is based upon the premise that the permitted Adult Day Care use should be less intensive than a “Nursing Home” which the Ordinance does not permit in the R-2 single-family zoning district. Zoning Ordinance Sec. II-3 Definitions describes the least intensive type of "Nursing Home" as a “Sheltered Care Facility” which cannot have less than three clients as residents. Therefore the Zoning

Administrator recommends that the overnight stay component of the Adult Day Care be limited to fewer than three clients.

Development Regulations

FAR / OSR Requirements

Plans for the recently completed house on the subject lot were reviewed by the Building Safety Division and meet the R-2 zoning district Floor Area Ratio (FAR) and Open Space Ratio (OSR) requirements.

Setback Requirements

Plans for the recently completed house on the subject lot were reviewed by the Building Safety Division and meet the R-2 zoning district setbacks requirements.

Parking Requirements

Urbana Zoning Ordinance Table- VIII-7 “Parking Requirements by Use” states that a single and two-family or similar use requires two parking spaces per dwelling unit. The recently completed house on the subject property has a three car garage and a driveway wide enough and long enough to stack three cars in front of the garage doors without blocking the sidewalk. The off-street parking provided is sufficient for the use of the house as a single family home with a home daycare where the clients do not drive.

Staffing

The applicant has stated she will have at most one employee who is not a family member. The parking provided is sufficient for staff members and the applicant's family in residence.

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 adult day care use is conducive to the public convenience at the location because it will provide a needed service that is complementary to other existing adult care services. The location is in close proximity to the Prairie Winds Supportive Living Facility.

- 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.*

The use is generally compatible with the surrounding residential neighborhood that is now developing. The use is designed, located, and proposed to be operated so that it will not be injurious or detrimental to the neighborhood or the R-2 district. There will be adequate parking supplied for the proposed use.

- 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 proposed use is consistent with the general purpose and intent of the R-2 Single-Family Residential Zoning District. The Zoning Ordinances Sec. IV-2. J states:

"The Residential Districts generally are intended to provide desirable settings for residential uses within several density ranges described in Urbana's Comprehensive Plan, and for various types of dwelling units, with appropriate regulations regarding physical development. As appropriate, the districts also allow other uses compatible with residential areas, either as permitted or as conditional or special uses."

The proposed adult day care facility is a low intensity use compatible with the residential uses on adjacent properties. The proposed use would conform to all setbacks and development regulations of the R-2 district in which it is located. This use should not detrimentally alter the developing character of the surrounding neighborhood or impair the activities of its neighbors.

Consideration

According to Section XII-2, the Board of Zoning 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 Board of Zoning 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 this 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;
7. Any other conditions deemed necessary to affect the purposes of this Ordinance.

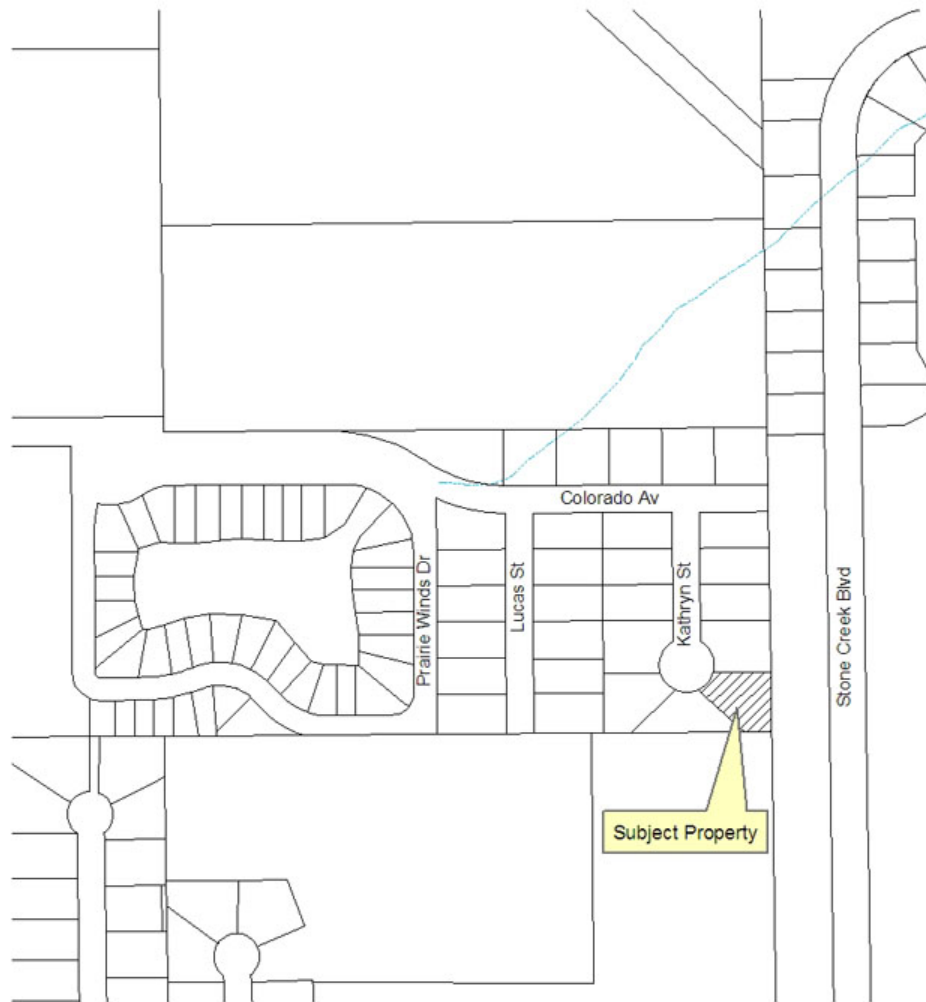
Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2007-C-04:

1. Grant the requested conditional use without any special conditions; or
2. Grant the requested 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; or
3. Deny the requested conditional use. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

Location Map

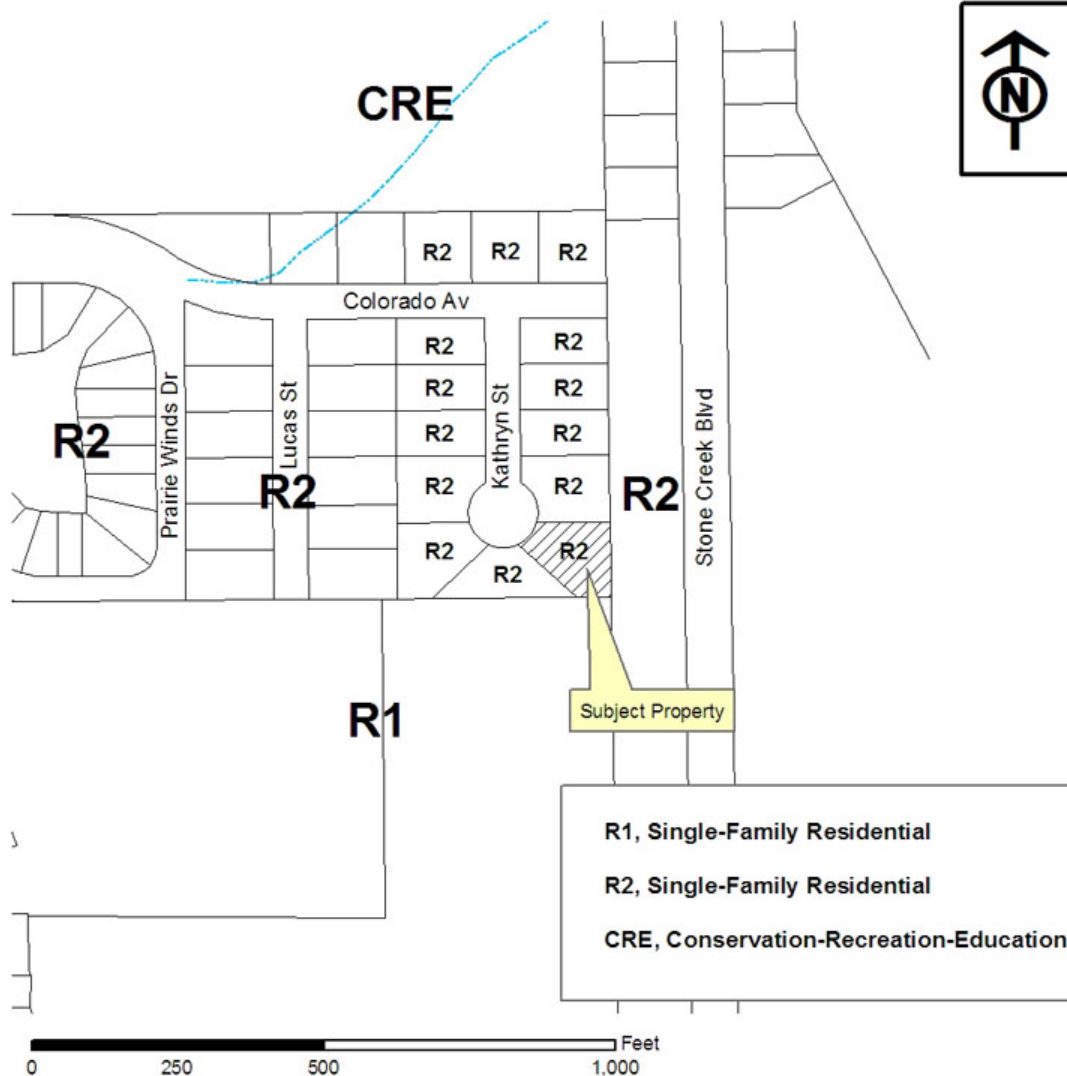
EXHIBIT "A"



ZBA Case: 2007-C-04
Subject: Conditional Use Permit Request for an Adult "Day Care"
Petitioner: Ms. Cherry Boland-Williams
Location: 1910 Kathryn Street
Zoning District: R-2, Single-Family Residential

Zoning Map

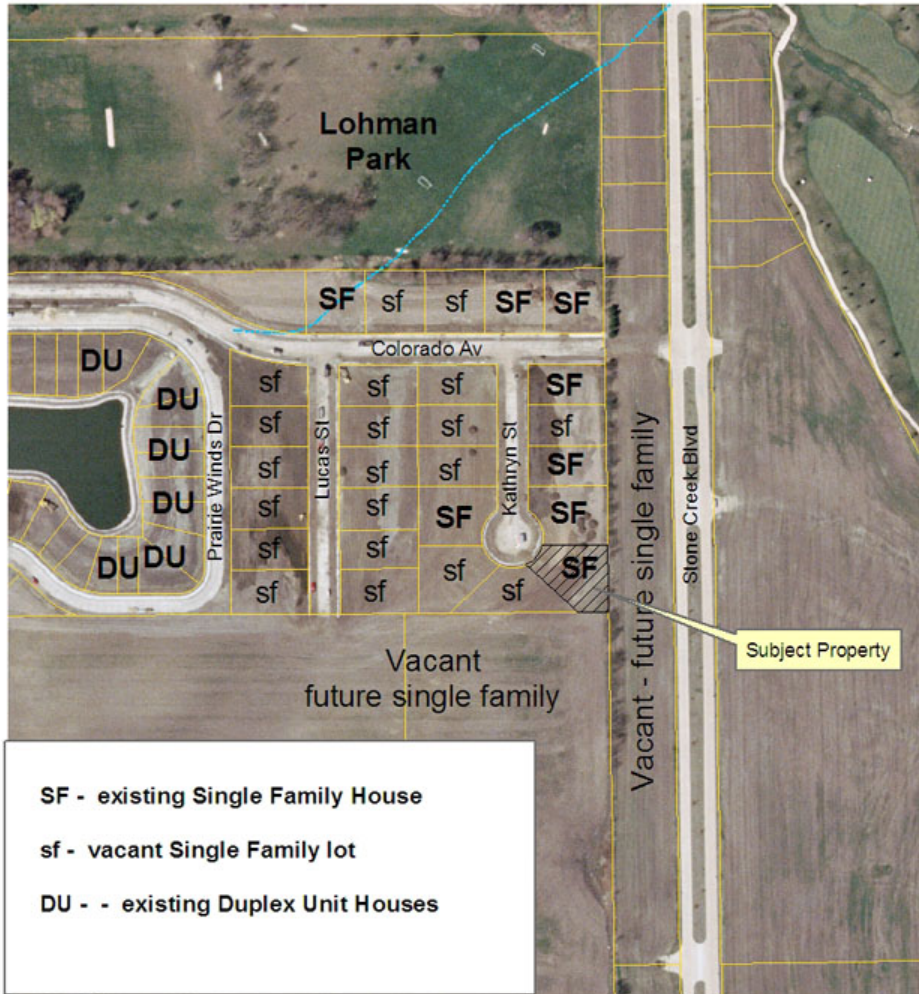
EXHIBIT "B"



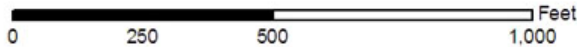
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Existing Land Use w Aerial Photo

EXHIBIT "C"



SF - existing Single Family House
sf - vacant Single Family lot
DU - - existing Duplex Unit Houses

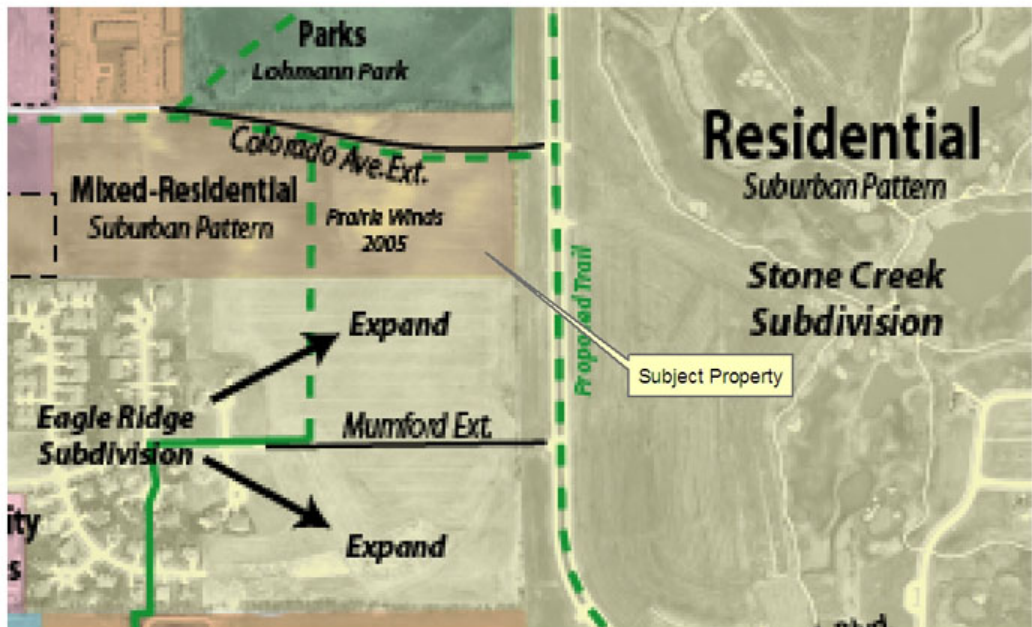


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Future Land Use Map

Source: Comprehensive Plan Future Land Use
Map # 13, p. 84 - Detailed Section

EXHIBIT "D"



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