



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: Jeff Engstrom, Planner II

DATE: February 9th, 2012

SUBJECT: ZBA Case 2012-C-01: a request by Disabled Citizens Foundation for a Conditional Use Permit to allow a “Community Living Facility, Category II” at 1910 Kathryn Street in the R-2, Single-Family Residential Zoning District.

Introduction

This case is a request by the Disabled Citizens Foundation (part of Developmental Services Center) for a Conditional Use Permit to allow the establishment of a Community Living Facility, Category II at 1910 Kathryn Street in the R-2 Single-Family Residential Zoning District. The home would become a state-licensed Community Integrated Living Arrangement (CILA) dwelling for individuals with developmental disabilities. The home would be a permanent residence and not used for crisis or short term, transient placements.

Background

The subject property contains an eight-bedroom single family home. The Zoning Board of Appeals granted the property a Conditional Use Permit to allow a home-based daycare and respite care facility on September 19, 2007 (ZBA Case 2007-C-04). The current property owner has ceased using the property for that purpose and has the home for sale. The applicant, Developmental Services Center (DSC), is proposing to purchase the house and convert it into a CILA. DSC’s mission is to enhance the lives of individuals with disabilities by providing services and support which enable them to live, work, learn and participate in their communities.

The subject house is proposed to be used a CILA (Community Integrated Living Arrangement). According to the Illinois Department of Human Services, a CILA is “a living arrangement provided to adult (individuals age 18 and older) participants in a group home, family home or apartment where eight or fewer unrelated adults with developmental disabilities live under supervision of the community developmental services agency. Residents receive complete and individualized residential habilitation, personal support services and supports under the direction of a community support team within the local agency.”

The subject property is located at the southern end of Kathryn Street which was platted as part of the Prairie Winds Subdivision. The Prairie Winds Subdivision contains single-family homes, zero-lot-line duplexes, and a Supportive Living Facility for elderly residents. The majority of the surrounding parcels are vacant but platted for residential lots. 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 single family lots and residences along Kathryn Street, with Lohman Park to the north of Colorado Avenue. 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	Single-Family home	Mixed Residential – Suburban Pattern
North	R-2, Single-Family Residential	Single-Family homes	Mixed Residential – Suburban Pattern
South	R-1, Single-Family Residential	Vacant – in agriculture (Eagle Ridge Subdivision)	Residential – Suburban Pattern
East	R-2, Single-Family Residential	Vacant – in agriculture (Stone Creek Subdivision)	Residential – Suburban Pattern
West	R-2, Single-Family Residential	Single-family homes and Vacant lots (Prairie Winds Subdivision)	Mixed Residential – Suburban Pattern

Development Regulations

The Urbana Zoning Ordinance defines this type of use as a “Community Living Facility, Category II, Dwelling”, and according to Table V-1: "Table of Uses", a "Community Living Facility, Category II" may be permitted in the R2, Single-Family Residential Zoning District as a Conditional Use. The Zoning Ordinance contains the following definitions for Community Living Facility and Category II Community Living Facility:

Dwelling, Community Living Facility. A dwelling designed to provide supervision, food, lodging, and other services to a service dependent population as herein defined, living and cooking together in a single cooperative housekeeping unit in which medical or nursing care is not a principal use. The residents of a community living facility shall consist of:

1. A basic group of members of a service dependent population; and
2. Additional staff persons providing supervision of service to the basic group.

Dwelling, Community Living Facility, Category II (CLF II): A dwelling, community living facility with a basic group limited to not more than eight service dependent individuals plus a maximum of two residents (live-in) staff at any given time, subject to a higher number of staff if required to meet state or

federal regulations. Said facility is intended for permanent placements, and shall not be for crisis or short term, transient placements. (Ord. No. 8889-44, § 1, 1-3-89)

The building plans for the subject lot were reviewed by the Building Safety Division at the time it was proposed to be built. The existing house meets the R-2 zoning district Floor Area Ratio (FAR) and Open Space Ratio (OSR) requirements, as well as all required setbacks. Additionally, use as a CILA requires approval from the State Fire Marshall, and a State inspector has already walked the home and provided feedback to the prospective purchasers. With some minor changes, the home can meet the State Fire Marshall's requirements.

The 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 house on the subject property has a two-car garage and a driveway with enough space for four additional cars. Community Living Facilities require one parking space per employee and one space per four residents. The proposed facility would require four parking spaces in total, which would be met on site. Residents would be transported with by a van that would be kept inside the garage. The back lawn is enclosed by a wrought-iron fence which conforms to the City or Urbana Fence Code.

Discussion

The property would be home to up to eight permanent residents plus one or two staff members on the premises at any given time. The property would be home to up to eight individuals with developmental disabilities. In addition, there would be one or two staff members on the premises at any given time. According to the application, "the majority of the residents will be home in the evenings and overnight, similar to a family setting." The applicant states that they have several similar homes throughout Champaign County.

The house on the subject property is larger than most single-family homes, with eight bedrooms. It was built to be an adult daycare and respite care facility, for which it was granted a Conditional Use Permit in 2007. Since the home has more rooms than a typical single-family home, the current owners have not been able to sell it. The proposed conditional use will allow for the home to be purchased and occupied and would provide needed housing and services to an underserved segment of Urbana residents.

Comprehensive Plan Goals & Objectives

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

Goal 39: Seek to improve the quality of life for all residents through community development programs that emphasize social services, affordable housing and economic opportunity.

Objective 39.2 Implement strategies to address social issues related to housing, disabilities, poverty, and community development infrastructure.

Goal 43: Provide for the distribution of social services to Urbana residents with diverse needs.

Objective 43.3 Work with local organizations to provide services to poor families, the homeless, and those with disability, mental health and substance abuse challenges.

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 use as a Community Living Facility, Category II is conducive to the public convenience at the location because it will provide a residence for individuals with developmental disabilities in a typical residential setting and unrestrictive environment consistent with their needs and desires. The proposed use will also allow for re-use of a house that has not been fully occupied for some time.

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 still under development. 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. A van that will be used to transport residents will be parked inside of the garage overnight. The home will function similar to a single-family home with a large family, and will not create more traffic than the previously-approved adult daycare 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 use 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 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 Zoning 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.

Summary of Findings

1. The subject property is zoned R-2, Single-Family Residential. The Urbana Zoning Ordinance allows “*Community Living Facility, Category II, Dwelling*” as a conditional use in the R-2 Zoning District.
2. The proposed use is to be located in the existing house at 1910 Kathryn Street.
3. The subject property was previously granted a Conditional Use Permit on September 19, 2007 (ZBA-20070C-04) to allow a home-based adult daycare and respite care facility.
4. The proposed use is conducive to the public convenience at the location because it will provide a living space for individuals with developmental disabilities in a natural and unrestrictive environment consistent with their needs and desires.
5. The proposed use conforms to the applicable regulations and standards of and preserves the essential character of, the zoning district in which it is located.
6. The proposed use will not pose a detriment to the zoning district in which it is proposed to be located.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2012-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.

Staff Recommendation

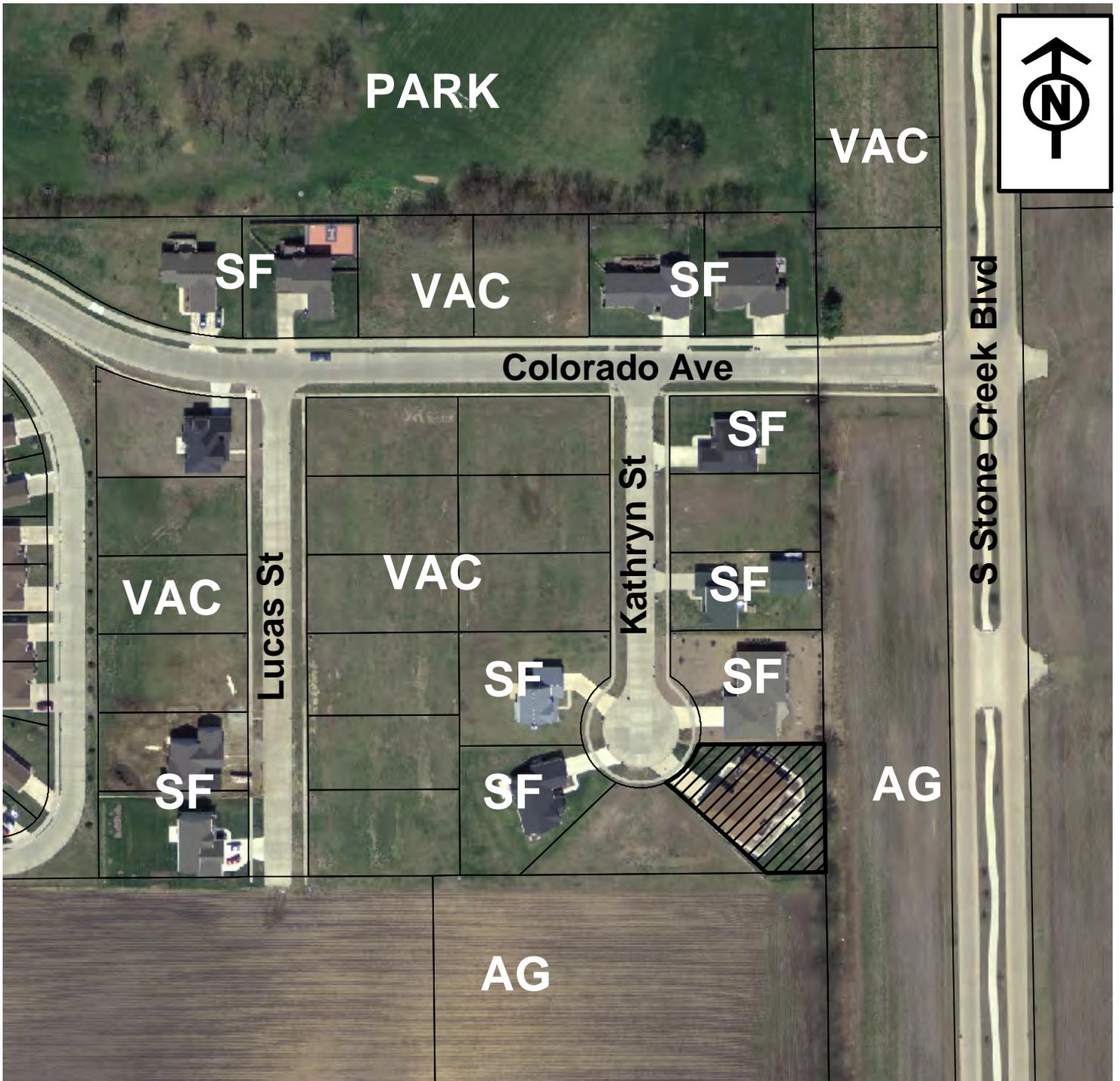
Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Zoning Board of Appeals **GRANT** the proposed conditional use in case ZBA-2012-C-01 for the reasons articulated above and with the following conditions:

1. No more than eight residents shall reside in the house at any time;
2. The facility shall meet all applicable Illinois Department of Human Services requirements for a CILA; and
3. The use must conform to all applicable zoning and building codes.

Attachments: Exhibit A: Location Map and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Application for Conditional Use Permit

cc: Patty Walters, 1304 W. Bradley Ave
Gary Stebbins, 1909 Kathryn St
Steve Brown, 1908 Kathryn St
Cherry Boland-Williams, 1910 Kathryn St

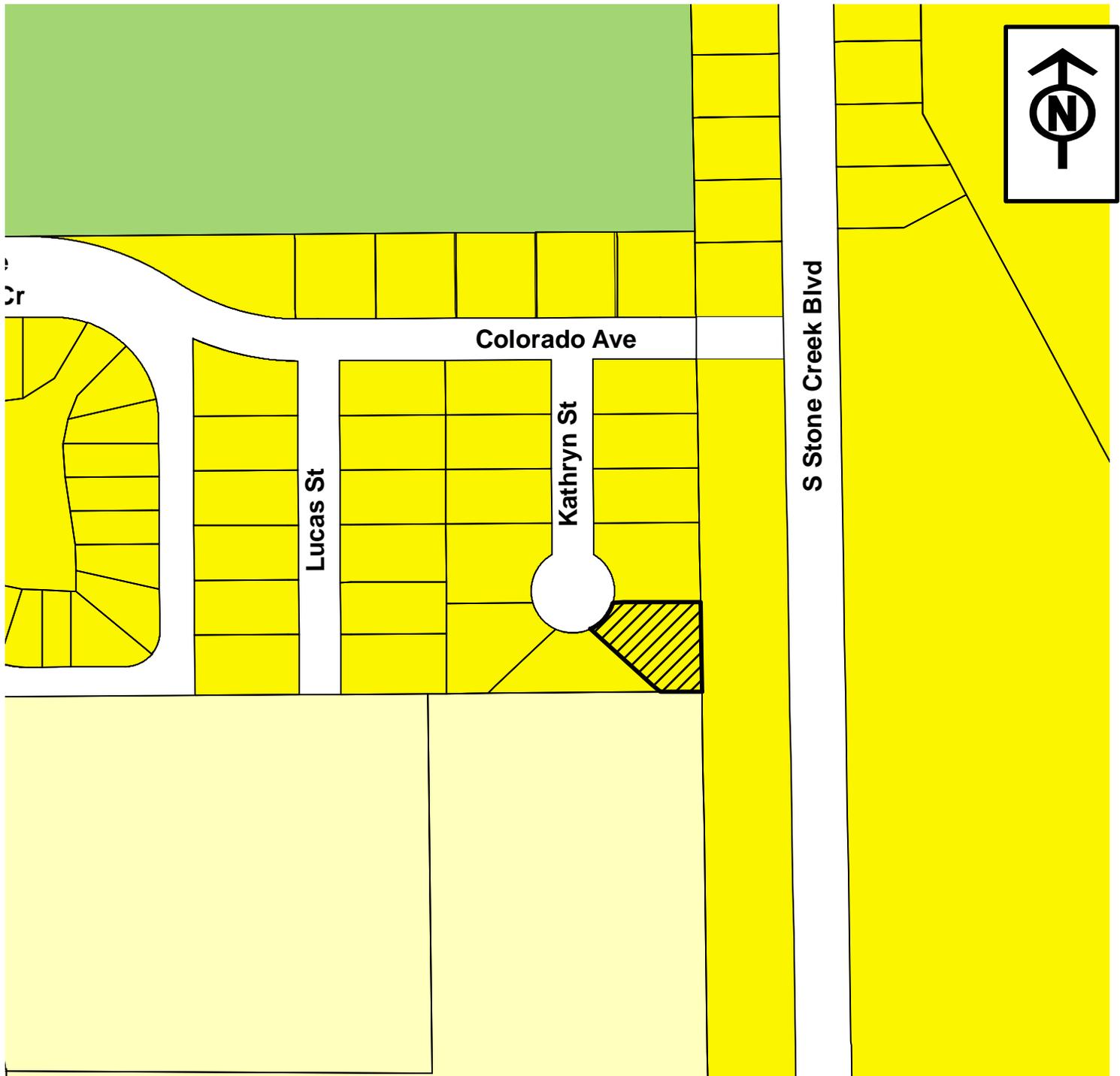
EXHIBIT A: Location & Existing Land Use Map



Case: ZBA-2012-C-01
Subject: Request for Conditional Use Permit
for CLF Category II
Location: 1910 Kathryn Street, Urbana
Petitioner: Disabled Citizens Foundation

 Subject Property

EXHIBIT B: Zoning Map

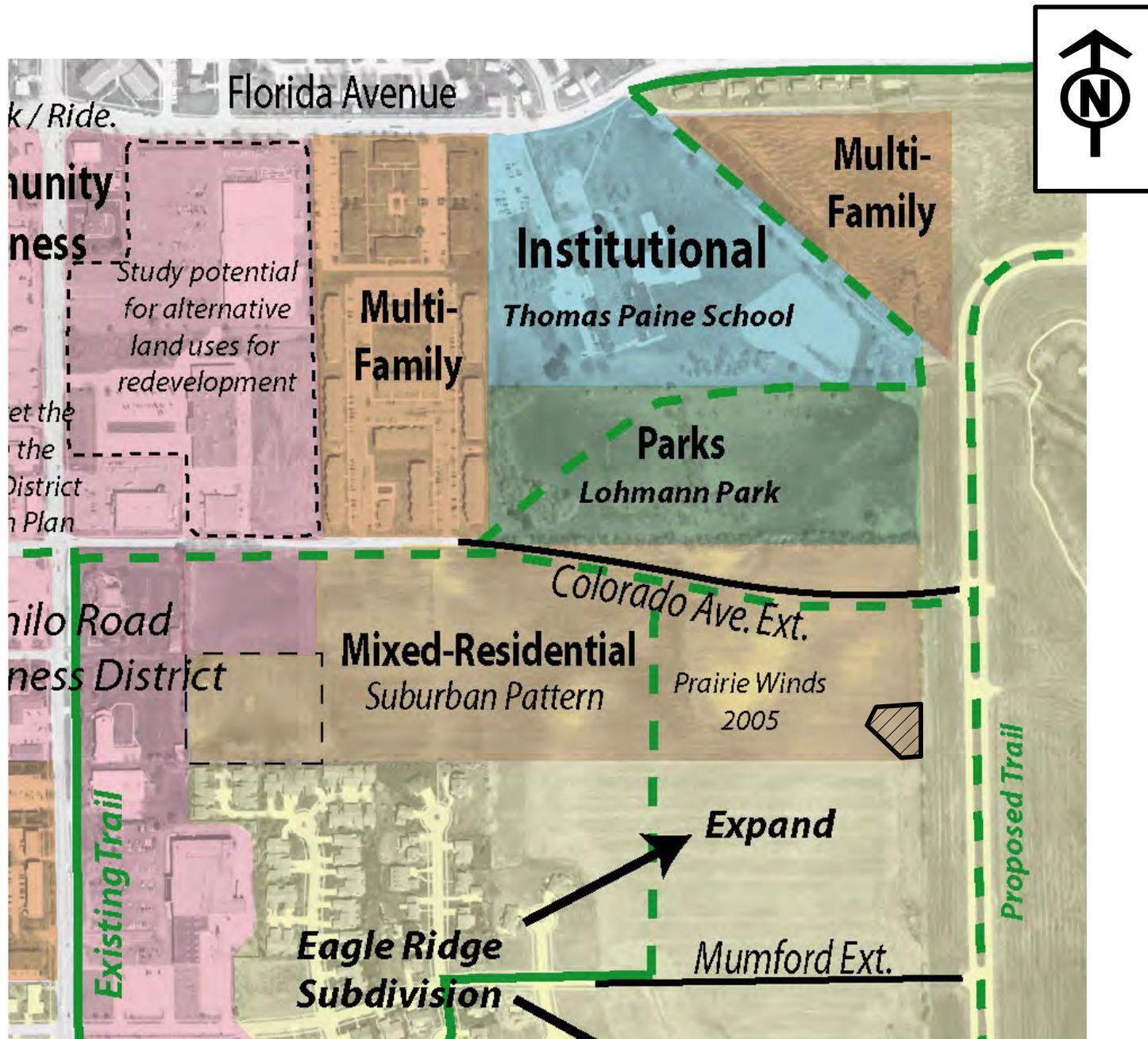


Case: ZBA-2012-C-01
Subject: Request for Conditional Use Permit
for CLF Category II
Location: 1910 Kathryn Street, Urbana
Petitioner: Disabled Citizens Foundation

-  Subject Property
-  R1
-  R2
-  CRE

Prepared 01/2012 by Community Development Services - jme

Exhibit C: Future Land Use Map



Case: ZBA-2012-C-01
 Subject: Request for Conditional Use Permit for CLF Category II
 Location: 1910 Kathryn Street, Urbana
 Petitioner: Disabled Citizens Foundation

 Subject Property



Application for Conditional Use Permit

Zoning Board Of Appeals

APPLICATION FEE - \$125.00

The Applicants are responsible for paying the cost of legal publication fees as well. The fees usually run from \$75.00 to \$125.00. The applicant is billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 01-24-2012 ZBA Case No. ZyBA-2012-C-01
 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 (*Insert Use or Construction Purpose*) CATEGORY 2 CLF on the property described below, and in conformity with the plans in the permit application.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **DISABLED CITIZENS FOUNDATION** Phone: **217-398-7134**
 Address (*street/city/state/zip code*): **1304 W. BRADLEY AVENUE CHAMPAIGN, IL 61821**
 Email Address: **PWALTERS@DSC-ILLINOIS.ORG**
 Property interest of Applicant(s) (*Owner, Contract Buyer, etc.*): **CONTRACT BUYER**

2. OWNER INFORMATION

Name of Owner(s): **BRUCE WILLIAMS & CHERRY BOLAND-WILLIAMS** Phone: **N/A**
 Address (*street/city/state/zip code*): **1910 KATHRYN URBANA IL**
 Email Address: **N/A**

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: **1910 KATHRYN, URBANA, IL**
 PIN # of Location: **93-21-21-280-013**
 Lot Size: **52 x 125 x 138 x 58 x 143**

Current Zoning Designation: **R2**

Current Land Use (*vacant, residence, grocery, factory, etc*): **RESIDENTIAL**

Proposed Land Use: **Residential - Category 2 CLF**

Legal Description: **LOT 19 PRAIRIE WINDS SUB**

4. CONSULTANT INFORMATION

Name of Architect(s): CARL HILL

Phone:

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

Email Address:

Name of Engineers(s): N/A

Phone:

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

Email Address:

Name of Surveyor(s): N/A

Phone:

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

Email Address:

Name of Professional Site Planner(s): N/A

Phone:

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

Email Address:

Name of Attorney(s): MELISSA THOMAS/THMAS, MAMER & HAUGHEY

Phone:

217-351-1500

Address (*street/city/state/zip code*): **30 MAIN STREET P O BOX 560 CHAMPAIGN, IL
61824-0560**

Email Address: **MAT@TMH-LAW.COM**

5. REASONS FOR CONDITIONAL USE PERMIT

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

HOME WILL BE A RESIDENTIAL CILA (COMMUNITY INTEGRATED LIVING ARRANGEMENT) FOR NO MORE THAN EIGHT INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES IN A NATURAL AND LEAST- RESTRICTIVE ENVIRONMENT CONSISTENT WITH THE NEEDS AND DESIRES OF THE EACH RESIDENT. TWENTY-FOUR-HOUR SUPERVISION IS PROVIDED WITH AN EMPHASIS ON EVENING, WEEKEND AND OVER-NIGHT SUPPORT.

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.

TRAFFIC PATTERN WILL TYPICALLY BE CONSISTENT WITH NORMAL RESIDENTIAL/FAMILY ACTIVITY. MAJORITY OF RESIDENTS WILL BE HOME IN THE EVENINGS AND OVER-NIGHT SIMILAR TO A FAMILY SETTING. OVERNIGHT SUPERVISION IS PROVIDED WITH STAFF AWAKE DURING THE SHIFT TO ENSURE AVAILABILITY OF SUPPORT IF/AS NEEDED. HEALTH AND SAFETY OF RESIDENTS IS HIGHEST PRIORITY AS IS PRESERVING THE INTEGRITY OF THE PHYSICAL PLANT/HOME ENVIRONMENT. DSC HAS SEVERAL HOMES THROUGHOUT CHAMPAIGN COUNTY RECOGNIZING THE RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES, CREATING THE OPPORTUINTY FOR PEOPLE TO RESIDE IN THE LEAST-RESTRICTIVE ENVIRONMENT AND INTEGRATING INTO THEIR COMMUNITY CONSISTENT WITH THEIR DESIRES, NEEDS AND ABILITIES.

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).

PER FEDERAL GUIDELINES/DEFINITION OF A CILA AND CONSISTENT WITH THE CITY OF URBANA CATEGORY 2 CLF, THE HOME WILL BE ESTABLISHED AS A RESIDENCE SERVING NO MORE THAN EIGHT INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

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.

Patty Walters, ENPCS
Applicant's Signature DSC

1/24/12
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

What is a Developmental Disability?

Developmental disability is a term used in the United States and Canada to describe lifelong disabilities attributable to mental or physical impairments, manifested prior to age 22. Individuals diagnosed with intellectual disabilities (formerly mental retardation), autism, cerebral palsy, genetic and chromosomal disorders, such as Down syndrome, Fragile X syndrome, are described as having developmental disabilities.

DSC's Mission Statement

Our mission is to enhance the lives of individuals with disabilities by providing services and supports which enable them to live, work, learn and participate in their communities

Illinois Department of Human Services Mission Statement

The Division of Developmental Disabilities in Illinois will provide quality, outcome-based, person-centered services and supports for individuals with developmental disabilities and their families. The system of services and supports in Illinois will enhance opportunities for individuals to make real choices and receive appropriate, accessible, prompt, efficient, and life-spanning services that are strongly monitored to ensure individual progress, quality of life and safety.

Impact on neighboring residents?

DSC has decades of experience as it has been providing residential group home options in Champaign County for over 30 years. DSC prides itself in providing residential living options consistent with a family setting, in neighborhoods without being conspicuous or drawing attention to it. The intent is to blend in to a neighborhood and enjoy the same freedoms and benefits as all others residing in the same area.

DSC does not anticipate a very noticeable impact to the neighbors as there will be eight individuals residing in the home with staff support that will also remain constant. Traffic pattern should be consistent with a typical family where there may be two to three drivers in a family. The garage will be used to house the van that will be used to transport residents to their community jobs, day program, social/recreational activities, errands, etc. consistent with similar daily responsibilities realized by most families.

How many staff will be on site and at what times?

There will be days that one staff present during normal daytime hours (8 am – 5 pm). There will be one staff person present during the overnight hours of 11pm – 8 am. During this time, the home van will be parked in the garage and staff car will most likely be in the driveway.

During the typical 'second shift' hours of 2 pm – 10 or 11 pm, there will generally be two staff present.

Weekend staffing pattern is usually one person from 9 am – 5 pm, one scheduled from 12 pm – 8 pm and third staff person from 3 pm – 11 pm depending on the number of residents home for the weekend. There are a few residents that enjoy time with family nearly every weekend and a few others that frequently visit family – on these occasions, we would alter the staffing pattern accordingly.

Several residents are able to spend time alone at home and in the community as their level of independence justifies this luxury.

What kind of transportation arrangements will be provided for residents?

There is a van that will be assigned to the home that will be housed in the garage each night. Some residents may be comfortable and experienced taking the MTD which is available to them at Philo Road.

How many vehicles would be on the site and if they would fit in the garage or be in the driveway/parked on the street?

A full size or extended van will be assigned to the home as indicated above, which will make use of the garage. There may be two additional vehicles on a routine basis contingent on the staffing pattern. There may be an occasion when a car or two would be parked on the street – visitors, guests, etc. The frequency or duration would not be more noticeable than others observed parked on Kathryn during recent visits.

Number of residents?

A total of eight people will reside in the home. Two individuals typically go home for family visits every weekend and two additional residents visit with family routinely on the weekend.

Are there State/Federal requirements regarding CILA that would provide more information?

Illinois Department of Human Services, under the Department of Developmental Disabilities Rule 115, outlines specific requirements for DSC in terms of licensure, with intent to provide a safe and healthy living environment in the least restrictive setting as possible for those receiving supports/services. State licensure is reviewed through a site survey every three years for the CILA program.