



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: Christopher Marx, Planner I

DATE: August 12, 2016

SUBJECT: **ZBA Case 2016-C-01:** A request by Bervelyn Acheampong for a Conditional Use Permit to allow a Daycare Facility at 1101 East Colorado Street in the R-5, Medium-High Density Multiple Family Residential Zoning District.

Introduction and Background

Bervelyn Acheampong is requesting a Conditional Use Permit to operate a day care center at 1101 East Colorado Street. She is seeking to open a “Day Care Facility” that would accommodate more than five children in an existing building. “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. A “Day Care Home” is defined as any facility that cares for no more than five children or dependent adults. The subject property, located in the R-5, Medium-High Density Multiple Family Residential Zoning District, may be used as a Day Care Facility with a Conditional Use Permit according to Table V-1 in the Zoning Ordinance.

The subject property is a 0.34-acre lot on the southeast corner of Colorado Avenue and Cottage Grove Avenue in southern Urbana. The building is a single story structure that is approximately 5,100 square feet, was previously a professional office, and is now vacant. The building had previously been used for day care facilities before its most recent use. The applicant proposes to lease the building while making physical improvements to the interior for its use as a Day Care Facility. The improvements will include changes to the bathroom facilities to accommodate children and the removal of several walls. The applicant would not expand the building or install a kitchen facility. The subject property also contains an off-street parking lot that can accommodate 13 vehicles and a drive aisle to serve as a drop-off area for up to four vehicles.

The applicant would have a Day Care Facility that would serve age groups ranging from infants to school-aged children with a varying capacity based on demand. Its hours of operation would be weekdays between 6:00 AM and 6:00 PM. The Illinois Department of Children and Family Services Human Services requires minimum ratios of employees-to-children and minimum building space requirements based on the age group. The applicant states that they intend to hire between five or six employees to start, and will comply with all of the state’s requirements for day care facilities.

The property received a Conditional Use Permit to operate a Day Care Facility in 1971 under Plan Case No. 820. The property was later granted a Conditional Use Permit to operate as a Professional Business Office in 2005 in ZBA Case 2005-C-02. It also received a Minor Variance for a reduction in the required off-street parking from 18 spaces to 14 spaces in ZBA Case 2005-MIN-02 for that professional business office use.

Following is a summary of zoning, existing land uses and Comprehensive Plan future land use designations for the subject site and surrounding properties. (See Exhibits A, B and C)

Location	Zoning	Existing Land Use	Comprehensive Plan Future Land Use
Site	R-5, Medium High Density Multiple Family Residential	Vacant Building	Multi-Family Residential
North	B-3, General Business	Apartment Building	Multi-Family Residential
South	R-6, High Density Multiple Family Residential	Vacant Property	Multi-Family Residential
East	R-6, High Density Multiple Family Residential	Apartment Building	Multi-Family Residential
West	R-5, Medium High Density Multiple Family Residential	Apartment Building	Multi-Family Residential

Discussion

The applicant desires to operate a Day Care Facility so they may provide for children of young families in the surrounding area. The surrounding area contains multi-family apartment buildings whose residents might benefit from conveniently-located child care. The facility is easily accessible by pedestrians and is located near major transit routes along Philo Road.

The building was originally built as a day care center in 1971, but was most recently used as a professional office. The proposed Day Care Facility reuses a vacant building built for the same use. The property owner would maintain the footprint of the building and therefore not increase its impact on neighboring properties.

The parking requirements for a Day Care Facility are 3 spaces for every 2 employees according to Table VIII-7 of the Zoning Ordinance. The subject property currently has 13 parking spaces and provides a drop-off area for up to four vehicles. The parking lot size is therefore more than adequate to meet the requirements for the five or six employees the applicant initially intends to hire, and its size would allow up to eight employees under current parking regulations.

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. Based on the current regulations and the floor plan provided by the applicant, City staff has roughly estimated that the building could accommodate up to 65 children.

The proposed use would be beneficial to the neighborhood and the City. It is convenient for a Day Care Facility and would be consistent with its original use as a day care facility and fill a building that has sat vacant. The building footprint is proposed to remain the same, and the parking and drop-off areas are adequate to serve the proposal.

The proposed use would be an improvement for the site and the surrounding neighborhood. Allowing the day care to operate would provide an important service for nearby residents and the City as a whole.

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 would be conducive to the public convenience at that location. Providing child care for a neighborhood filled with families and reusing a vacant building would fulfill a public need in the area.

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 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 application is for a use which has previously existed on the subject property and would not enlarge the footprint of the building. The existence of a drop-off area and adequate off-street parking meet two important components for a Day Care Facility in a residential district, and it is located on a collector street

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 building would undergo improvements to be in compliance with the City's Building Safety Code, the State of Illinois regulations, and is fully compliant with the City's Zoning Ordinance. The proposed use would not be detrimental to the surrounding neighborhood because the property is large enough to accommodate the facility and non-residential uses, including the original day care facility, have

operated on the property in the past.

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 applicant proposes to operate a Day Care Facility at 1101 East Colorado Avenue in the R-5, Medium High Density Multiple Family Residential. The Urbana Zoning Ordinance allows the use of *Day Care Facility (non-home based)* with a conditional use permit in the R-5 district.
2. The building on the subject property building is 5,100 square feet with 13 off-street parking spaces and a drop-off area. The applicants will make few physical changes to the exterior of the property, but will renovate the interior.
3. The subject property was originally constructed as a day care center and was previously used as a professional office use. It was granted a Conditional Use Permit in 1971 for the day care use and a Conditional Use Permit and Minor Variance for a reduction in required parking in its last use as a Professional and Business Office.
4. The proposed use is conducive to the public convenience at its location as it would enable a business that could serve a nearby residential neighborhood and reuse a vacant building.
5. The proposed use would not be a detriment to the R-5, Medium High Density Multiple Family Residential zoning district in which it would reside as the building was originally constructed to accommodate the same type of use, and the parking and drop-off areas are adequate.
6. The proposed use is consistent with the applicable regulations and standards of, and preserves the

essential character of, the district in which it shall be located.

Options

The Zoning Board of Appeals has the following options in Case No. ZBA-2016-C-01:

1. **Grant** the conditional use as requested based on the findings outlined in this memo; or
2. **Grant the conditional use with certain terms and conditions.** If the Urbana Zoning Board of Appeals elects to add conditions they should articulate findings accordingly; or
3. **Deny** the conditional use. If the Zoning Board of Appeals elects to do so, the Board should articulate findings supporting its denial.

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 ZBA case 2016-C-01 for the reasons articulated above and with 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.
3. The parking lot is restriped to indicate the 13 spaces and handicap space.

This recommendation is based on the evidence presented to date, and does not reflect additional evidence that may be presented prior to or at the public hearing. The specifics of this recommendation may change during the course of formal review of ZBA Case No. 2016-C-01. The staff recommendation contained herein represents the professional opinions of the City's planning staff and does not bind or limit the recommendations and decisions which may be made by the City's appointed and elected officials.

Attachments: Exhibit A: Location and Existing Land Use Map
Exhibit B: Existing Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Site Plan
Exhibit E: Site Photos
Exhibit F: IDCFS Excerpted Standards for Day Care Centers
Exhibit G: Application

cc: Bervelyn and Robert Acheampong

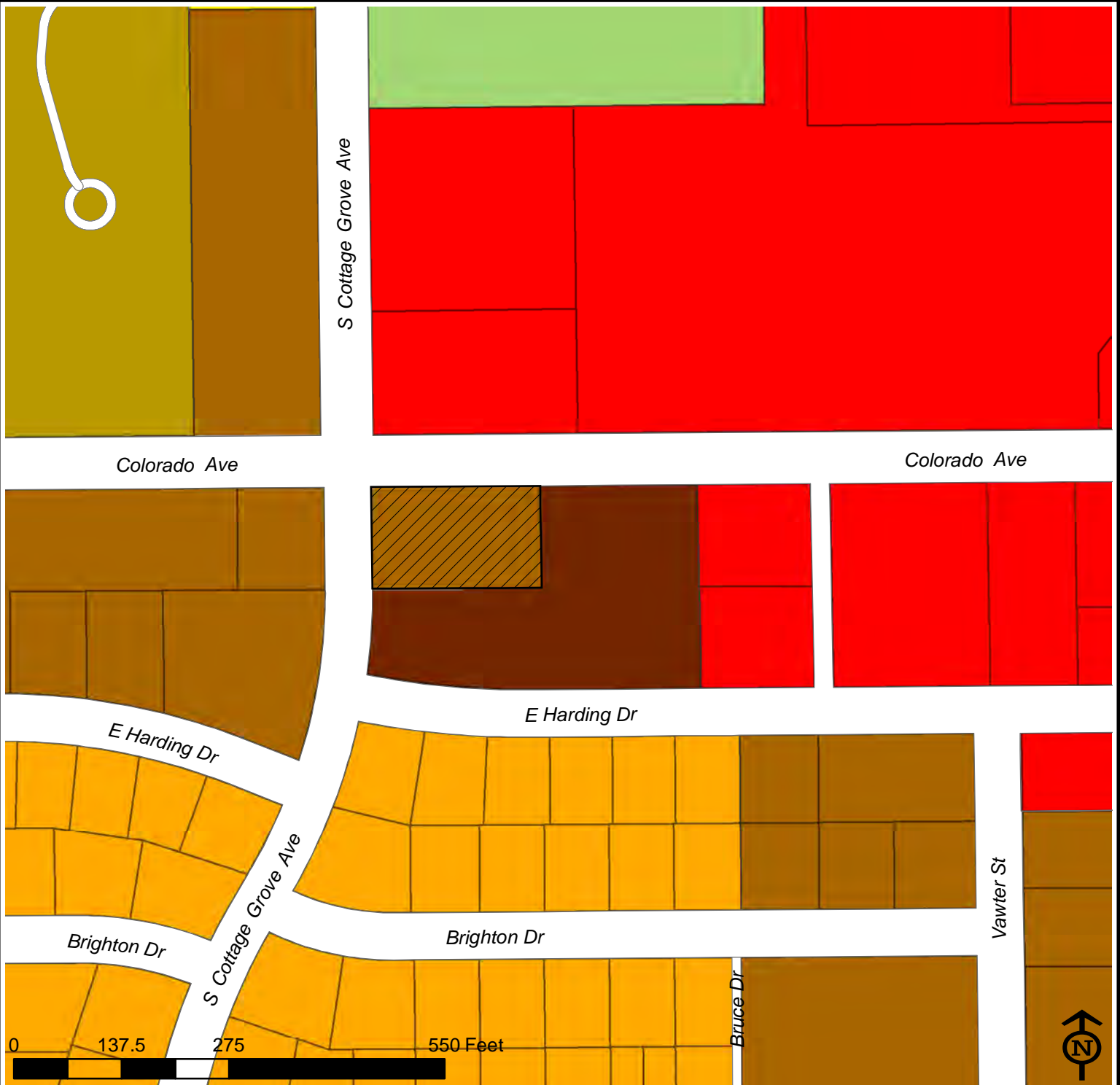
Exhibit A: Location & Existing Land Use Map



Case: ZBA Case 2016-1-01
 Subject: Conditional Use Permit Request for Day Care Facility
 Location: 1101 East Colorado Avenue
 Petitioner: Bervelyn Acheampong

 Subject Property

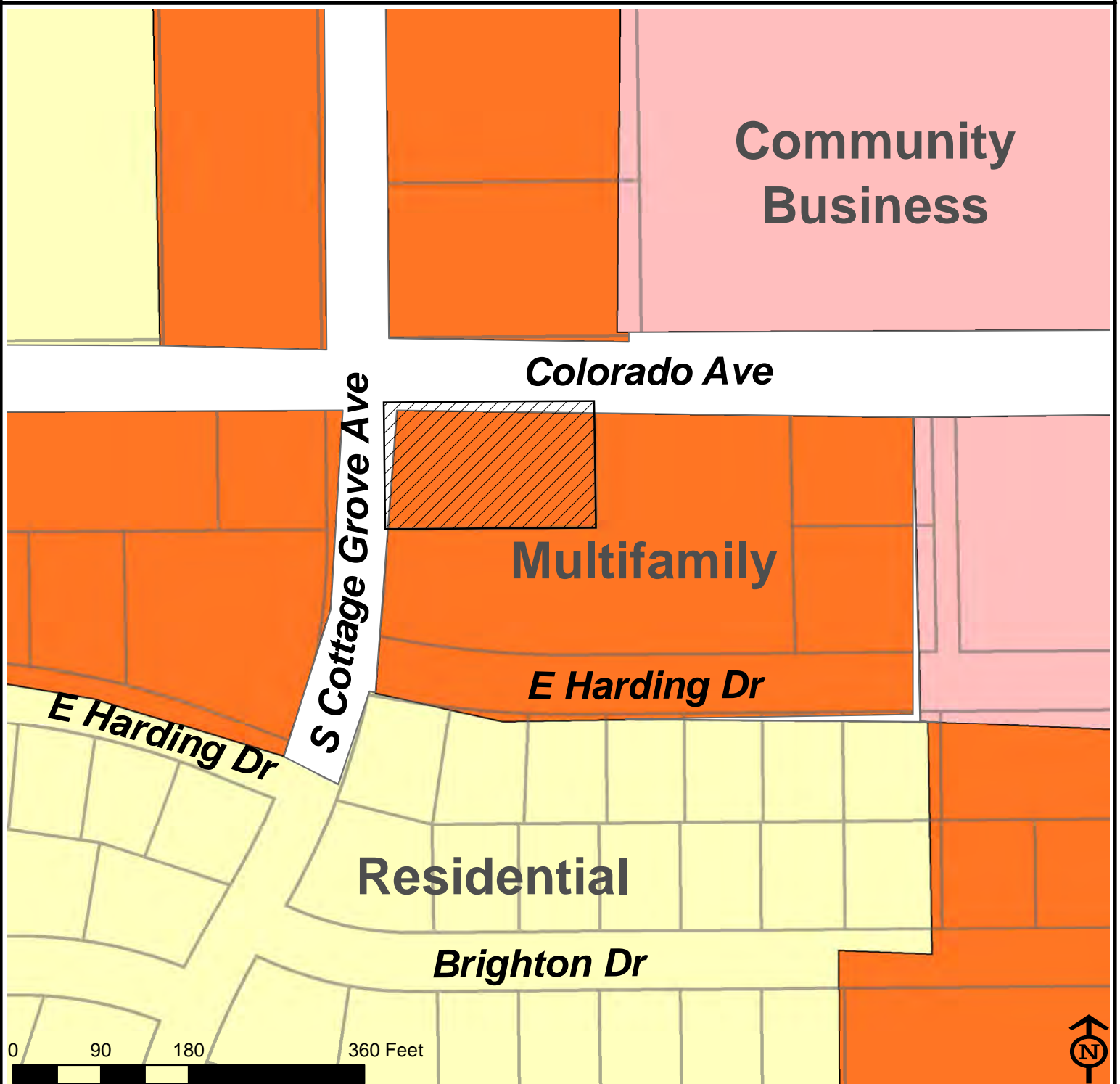
Exhibit B: Zoning Map



Case: ZBA Case 2016-1-01
 Subject: Conditional Use Permit Request
 Location: 1101 East Colorado Avenue
 Petitioner: Bervelyn Acheampong

- B3
- CRE
- R2
- R3
- R4
- R5
- R6
- Subject Property

Exhibit C: Future Land Use Map



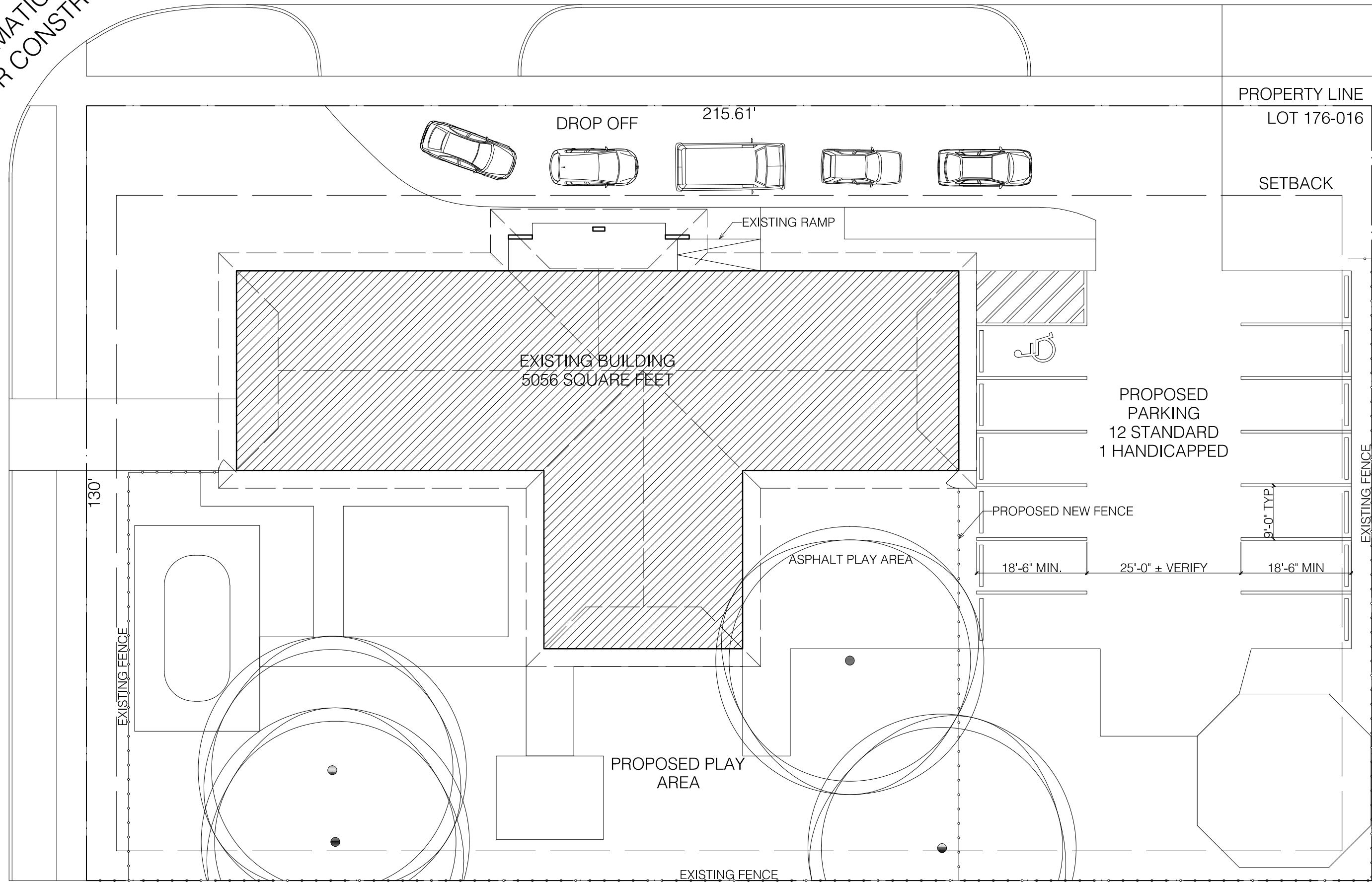
Case: ZBA Case 2016-1-01
Subject: Conditional Use Permit Request
Location: 1101 East Colorado Avenue
Petitioner: Bervelyn Acheampong

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

SCHEMATIC PLAN
NOT FOR CONSTRUCTION

COLORADO AVENUE

COTTAGE GROVE AVENUE



1 PROPOSED SITE PLAN
A1 SCALE: 1/8" = 1'-0"

PROJECT INFORMATION	
PROJECT:	DAYCARE CENTER 1101 E COLORADO AVENUE URBANA, IL 61801
SCOPE:	REMODEL
ZONING:	R-5 MEDIUM HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL
FRONT YARD:	15'
SIDE YARD:	5'
REAR YARD:	5'

RYAN REBER | ARCHITECT

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URBANA, IL 61801
(217) 898-2984
ryan@ryanreberarchitect.com

DAYCARE CENTER
REMODEL
1101 E COLORADO AVENUE
URBANA, ILLINOIS
EXISTING / PROPOSED SITE PLAN

THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT. ONLY WRITTEN DIMENSIONS SHALL BE USED. DO NOT SCALE DRAWINGS. DIMENSIONS SHALL BE VERIFIED ON THE JOB SITE. ANY DISCREPANCY SHALL BE BROUGHT TO THE NOTICE OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

DATE: 08.11.16
DRAWN BY: RTR
SCALE: AS NOTED
JOB #: 1618
DRAWING: A1

Exhibit E: Site Photos



**TITLE 89: SOCIAL SERVICES -
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE
PART 407 LICENSING STANDARDS FOR DAY CARE CENTERS
SECTION 407.190 GROUPING AND STAFFING**

Section 407.190 Grouping and Staffing

- a) The group sizes and ratio of child care staff to children present at any one time shall be as follows:
b)

AGE OF CHILDREN	STAFF/CHILD RATIO	MAXIMUM GROUP SIZE
Infants (6 weeks through 14 months)	1 to 4	12
Toddlers (15 through 23 months)	1 to 5	15
Two years	1 to 8	16
Three years	1 to 10	20
Four years	1 to 10	20
Five years (preschool)	1 to 20	20
School-age: Kindergartners present	1 to 20	30

- b) The following exception to this Section is permitted: An early childhood teacher aided by an early childhood assistant may supervise a group of up to 30 children if all of the children are at least five years of age.
- c) Whenever children of different ages are combined, as allowed by Section 407.190(d) below, the staff/child ratio and maximum group size shall be based on the age of the youngest child in the group.
- d) Children may be combined in any of the following ways:
- 1) Infants, toddlers and two-year-olds may be combined; and/or
 - 2) Two-year-old through five-year-old children may be mixed in any combination; and/or
 - 3) Four-year-old through six-year-old children may be mixed; and/or
 - 4) Children of all ages may be mixed during the first hour and last hour of programs that operate 10 or more hours per day.
- Programs that combine children in any of the above ways shall have staff training activities and daily schedules to meet the needs of all children in the group.
- e) With the exception of infants and toddlers, children may be under the direct supervision (staff in the same room) of 50% of the qualified staff required by this Section during nap times, provided the required staff-to-child ratio is maintained on the premises.
- 1) Infants and toddlers shall be under the direct supervision of staff required by this Section at all times.
 - 2) When all of the children are two years of age or older, an early childhood assistant 18 years of age or older may provide direct supervision without the presence of an early childhood teacher for a maximum of one hour per day while the children are all on cots.
- f) Children shall not be left unattended at any time.
- g) When the needs of individual children dictate, additional staff may be required to meet the needs of all children. The appropriate ratio shall be determined through consultation among the parent, staff, resource personnel and the Department.



Application for Conditional Use Permit

ZONING BOARD OF APPEALS

APPLICATION FEE - \$150.00

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 07-20-2016 ZBA Case No. ZBA-2016-C-01
Fee Paid - Check No. 198 Amount \$150.00 Date 07-20-2016

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)* _____ on the property described below, and in conformity with the plans in the permit application.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): Bervelyn Acheampong Phone: 606-807-9807
Address (street/city/state/zip code): 1101 Colorado Ave Urbana Illinois 61801
Email Address: Kidscampus2015@yahoo.com
Property interest of Applicant(s) (Owner, Contract Buyer, etc.): Contract Buyer

2. OWNER INFORMATION

Name of Owner(s): Gennaro & Kim Marino Phone: 217-419-2234
Address (street/city/state/zip code): 1368 McCausland Ave, St. Louis, Mo 63117
Email Address: KK.Marino@sbcglobal.net
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: 1101 Colorado Avenue Urbana Illinois 61801
PIN # of Location: 93-21-21-176-016
Lot Size: .644 Ac 215.61' x 130'
Current Zoning Designation: R5

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

Proposed Land Use: **Childcare Center**

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

Lot 547+546 ENNIS Ridge 7th Sub
546+547, platbook 0. page 36.

4. CONSULTANT INFORMATION

Name of Architect(s):

Phone:

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

Email Address:

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.

There is high need for childcare center in the area and very convenient to residents.

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.

The Children that will come there will be safely cared for by professional teachers and staff and secured playground.

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).

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

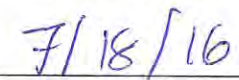
By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

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.

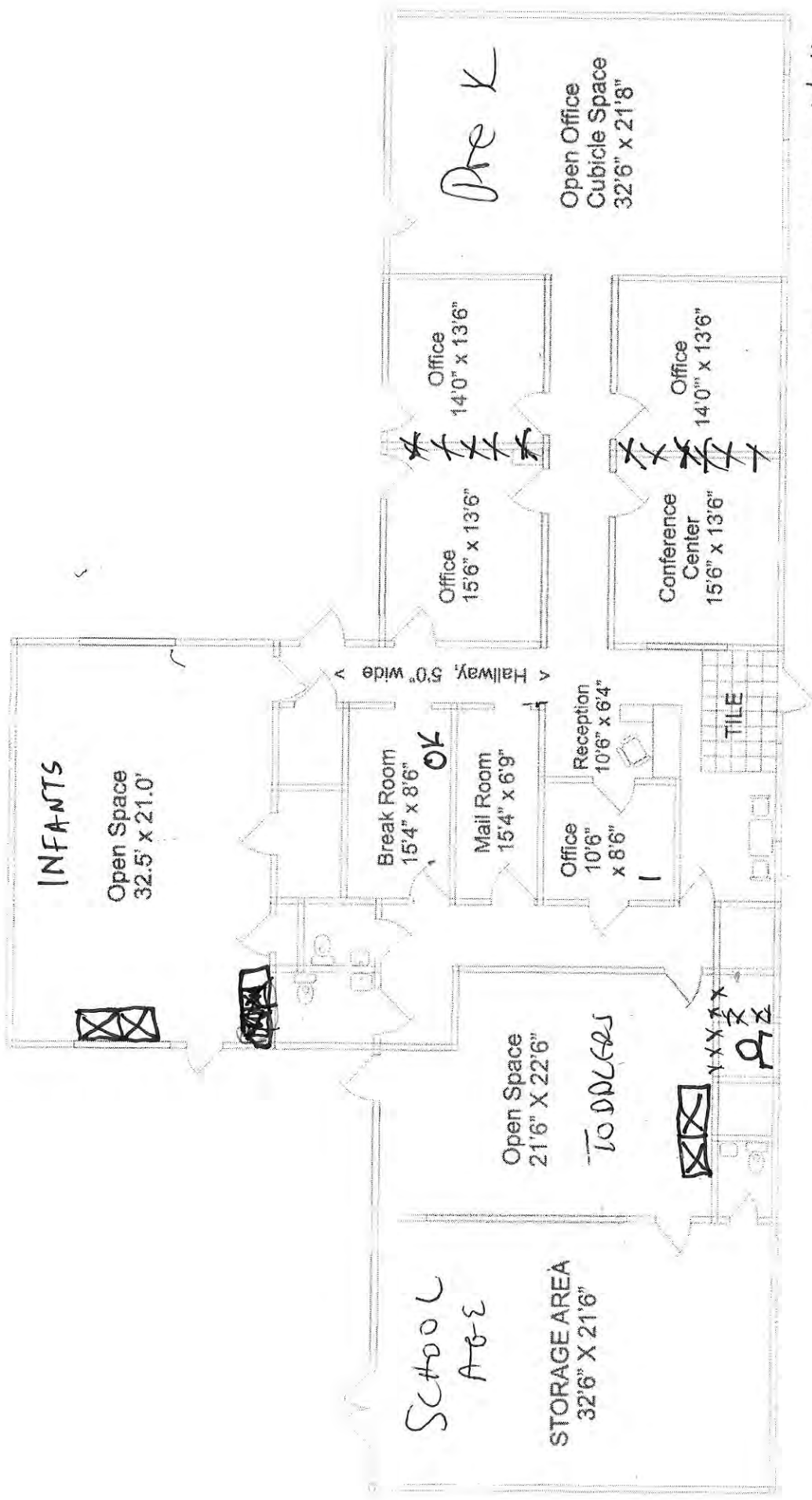


Applicant's Signature



Date

614-204-2314



XXX Remove Wall

SINK

1101 COLORADO AVENUE, URBANA, ILLINOIS
FLOOR PLAN (Approximate)