

**MINUTES OF A REGULAR MEETING
URBANA ZONING BOARD OF APPEALS**

DATE: August 16, 2017

APPROVED

TIME: 7:30 p.m.

PLACE: City Council Chambers, 400 South Vine Street, Urbana, IL 61801

MEMBERS PRESENT Matt Cho, Ashlee McLaughlin, Nancy Uchtmann, Charles Warmbrunn, Jonah Weisskopf, Harvey Welch

MEMBERS ABSENT Joanne Chester

STAFF PRESENT Lorrie Pearson, Planning Manager; Marcus Ricci, Planner II; Teri Andel, Administrative Assistant II

OTHERS PRESENT Mr. & Mrs. Jim Corley, Andrew Fell, Samuel Giglio, Holly York, Judy Woodall

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

Chair Welch called the meeting to order at 7:33 p.m. Roll call was taken, and he declared a quorum of the members were present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the May 17, 2017 regular meeting were presented for approval. Ms. Uchtmann noted a change on Page 1 at the top, the second *MEMBERS PRESENT* should read as *MEMBERS ABSENT*. Mr. Warmbrunn moved to approve the minutes as amended. Ms. Uchtmann seconded the motion. The minutes were approved by unanimous voice vote as amended.

4. COMMUNICATIONS

- Enlarged copy of Exhibit E – Floor Plan

NOTE: Chair Welch swore in members of the audience who indicated that they may give testimony during the public hearing.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

ZBA-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.

Chair Welch opened this item on the agenda. Marcus Ricci, Planner II, presented the written staff report to the Zoning Board of Appeals. He began by giving some brief background on the subject property. He noted the location, current zoning, existing land use and future land use designation of the proposed site as well as for the neighboring adjacent properties. He discussed more details about the proposed daycare use. He noted a correction to the labelling of Exhibit E in the packet. Rather than being labelled as “Parking and Easement”, it should be labelled as “Site Plan”. He reviewed the goals and objectives of the 2005 Comprehensive Plan that relates to the proposed use. He read the options of the Urbana Zoning Board of Appeals and presented City staff’s recommendation for approval along 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 Exhibit E of the written staff report.

Mr. Ricci pointed out that the applicant and the tenant/operator of the proposed daycare were in the audience to answer questions.

Chair Welch asked if the members of the Board had questions for City staff.

Mr. Warmbrunn questioned whether the City of Urbana could control the signage and traffic patterns on a private property. Mr. Ricci replied that the City could give the owner recommendations, but could not direct them.

Mr. Warmbrunn asked if the Zoning Board could require the owners to install a stop sign where one was placed before. Lorrie Pearson, Planning Manager, explained that where a stop sign was previously located was not on the subject property; therefore, it would be difficult, if not impossible, to impose a condition upon a property owner that was not present. The Parking and Access Easement guides the location of the parking. She was not sure if the easement also included any stop signs or other traffic controls.

Mr. Warmbrunn questioned if it would be possible to require the owner to install speed bumps in front of their property. Ms. Pearson answered saying that staff would want to discuss that with the City’s Fire Department. The Zoning Board of Appeals could make a condition suggesting safety improvements.

Mr. Warmbrunn inquired about lighting of the drop-off area. Mr. Ricci stated that it was within the purview of the Zoning Board of Appeals to recommend conditions for the subject property. So, if there is not adequate lighting on the face of the building, then they could require it to meet the Zoning Ordinance.

Mr. Warmbrunn wondered if there would be no one at the daycare from 8:00 am to 3:00 pm. Ms. Pearson stated that the applicant would be more capable of answering any questions about the operations of the proposed daycare use.

Mr. Warmbrunn questioned why the drop off/pick up could not be located near the front door. Mr. Ricci explained that it is because the area immediately in front of the door is considered a fire lane. The City of Urbana Fire Department did say that they would not want the drop off/pick up area to be located in a fire or traffic lane. There is striping to indicate the fire lane which the Fire Department also stated that they would like for the owner to renew/repaint.

Mr. Warmbrunn asked about the parking, specifically to the south of the Walgreens store. Mr. Ricci stated that the Parking and Access Easement states that all properties can utilize any of the parking spaces on the three lots.

Mr. Warmbrunn questioned if allowing the proposed daycare would restrict the property owner of the previous Mexican restaurant from being able to rent out to specific types of businesses, such as to another restaurant or bar business. Mr. Ricci explained that if the daycare use exists first, then certain uses would not be allowed within so many feet of the daycare use. However, if a bar or gaming hall, such as Hot Spots, exists first, then a daycare would be allowed because the daycare would be choosing to locate near a business that provides entertainment type services.

With there being no further questions for City staff, Chair Welch opened the hearing for public input. Chair Welch invited the applicant to speak first.

Sam Giglio, applicant's representative, approached the Zoning Board of Appeals to speak. He responded to some of the questions that were previously asked. He spoke with the City's Fire Department to determine the safest location for the drop off/pick up area. In terms of striping and replacing the stop sign, he spoke with the owner of the proposed site. After conferring with Niemann's and the owners of Sunnycrest Mall, they felt that it would not be a problem to renew the paint for the fire lane and to replace the stop sign. With regards to installing speed bumps, they would need to speak with the Fire Department. As for lighting, there are a couple of pendant lights; no overhead flow lights. Section D.3 in the Easement Agreement states that the lots shall not be used or operated for a night club, so there is no concern about the proposed daycare use restricting bar uses.

Ms. McLaughlin asked if they would commit to restriping and installing a new stop sign. Mr. Giglio stated that those are possibilities if the Zoning Board of Appeals requires them.

Mr. Cho wondered if the owner of Sunnycrest Mall was aware that the proposed daycare use could restrict him from renting to other certain types of uses. Andrew Fell, architect for the proposed daycare, approached the Zoning Board of Appeals. He mentioned that he was working

on another project for Kent Follmer, owner of Sunnycrest Mall, and that Mr. Follmer was aware of the proposed project. He is the current landlord for the Bradley Learning Center and is aware of the project and has no objections.

Mr. Warmbrunn asked if the proposed daycare operator was leaving the Bradley Learning Center or would she be having two daycare businesses. Mr. Giglio stated that it would be an expansion of the existing daycare.

Judy Woodall approached the Zoning Board of Appeals to answer any questions the members have. She stated that she is the Director of the Bradley Learning Center. They started an after school program about 5 years ago for children ages 6 years old to 12 years old. There is a growing need for the after school program, and they have found that they need to separate the age groups. Since they are unable to expand in their current location, they decided to relocate the after school program for children ages 7 years old to 12 years old to the proposed location. The existing daycare will continue to provide services for children ages 6 weeks to 6 years old.

Mr. Warmbrunn wondered how the school aged children would get to school after their parents dropped them off. Ms. Woodall explained that they would transport some of the children to school, while other children would ride a school bus to their school.

Mr. Warmbrunn asked if the children would be picked up in from by the school bus. Ms. Woodall replied yes. School buses would pick up and drop off children in front of the new location.

Mr. Warmbrunn asked if Ms. Woodall was comfortable with the location of the drop off/pick up zone. Would she want a stop sign? Ms. Woodall replied yes. It is always better to regulate the traffic. She mentioned that they had issues with the existing location until they got it controlled.

Mr. Warmbrunn questioned if she planned any activities outdoors. She said yes. The current location provides outdoor activities. Children are required to be outdoors a certain amount of time throughout the course of a day. The existing daycare has a playground on site for the younger children, and the older children go to the park adjacent to the property. At the proposed location, the children would be able to go out the back door directly to the park.

Mr. Warmbrunn inquired about the children to supervising adult ratio. Ms. Woodall explained that the requirements are not as regulatory for a school age program as it is for infants and toddlers. They offered the after school program hoping to enhance the children's opportunities to grow by providing music, dance, sewing, technology, and arts and crafts. They have volunteers from the University of Illinois that will help with the children. They would have to comply with the regulations of the Department of Children and Family Services.

There was no further input from the audience, Chair Welch closed the public input portion of the hearing and opened it for Zoning Board of Appeals discussion and/or motion(s).

Mr. Welch commented that the concern about whether or not the proposed daycare use would restrict future uses in neighboring properties was not in the purview of consideration by the

Zoning Board of Appeals. Planning staff usually recommends an omnibus provision that anything the Board grants must comply with various regulations of the City of Urbana, the State of Illinois and sometimes even the Federal Government. So, if the Zoning Board of Appeals grants the proposed conditional use permit, and then the Department of Children and Family Services determines that the proposed site is located too close to the existing game hall, then they won't approve the daycare operator's request for a daycare. This would make moot any decision made by the Zoning Board of Appeals.

In addition, the Zoning Board of Appeals meetings are published in the News-Gazette. Anyone who is opposed can attend the meetings and voice their concerns. He felt that if the Board grants the request for a conditional use permit in this case, then concerns about traffic safety and lighting would be alleviated.

Mr. Warmbrunn expressed his concern about traffic safety. Ms. Pearson suggested the Board could add a general condition that would allow some flexibility, such as adding language like "enhance traffic control". City staff could then figure out how to make that work based on what the property owners are willing to do. It would give direction, but also allow some flexibility.

Mr. Warmbrunn moved that the Zoning Board of Appeals grant Case No. ZBA-2017-C-01 with the following conditions: 1) The use must conform to all applicable zoning, building, development, and State of Illinois Department of Children and Family Service codes; 2) The use generally conforms with the Site Plan and Floor Plan submitted in Exhibit E; and 3) The applicant work with the City to establish traffic controls and striping to promote safety of the area. Ms. Uchtmann seconded the motion.

Discussion ensued about what was meant by "work with the City". Mr. Warmbrunn explained that he meant exactly what Ms. Pearson had said prior to his motion.

Roll call on the motion was as follows:

Mr. Cho	-	Yes	Ms. McLaughlin	-	Yes
Ms. Uchtmann	-	Yes	Mr. Warmbrunn	-	Yes
Mr. Weisskopf	-	Yes	Mr. Welch	-	Yes

The motion was approved by unanimous vote.

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Welch adjourned the meeting at 8:26 p.m.

Respectfully submitted,

Lorrie Pearson, AICP
Planning Manager
Secretary, Urbana Zoning Board of Appeals