



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 300

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov

Planning Commission Hearing Date: March 05, 2019, 6:30 P.M.

Board of Commissioners Hearing Date: March 26, 2019, 6:30 P.M.

STAFF ANALYSIS

Case No.: SLUP-19-1243042 **Agenda #:** N.6

Location/Address: The northeast intersection of Nicole Lane and Reginald Court at 1794 Nicole Lane, Lithonia, Georgia. **Commission District:** 5 **Super District:** 7

Parcel ID: 16-188-04-025

Request: To request a Special Land Use Permit (SLUP) in an R-85 (Residential Medium Lot) District to operate an adult day care center for up to six (6) people within an existing single-family residence.

Property Owners: Collin Lawrence

Applicant/Agent: Claudette Lawrence

Acreage: 0.6 Acres

Existing Land Use: Single-Family Residence

Surrounding Properties: Single-Family Detached Residences

Adjacent & Surrounding Zoning: North: R-85 (Residential Medium Lot) District
East, South & West: R-85 (Residential Medium Lot) District

Comprehensive Plan: Suburban (SUB) Consistent X

Proposed Residential Units: N/A	Existing Residential Units: 1
Proposed Lot Coverage: N/A	Existing Lot Coverage: N/A

SUBJECT SITE:

The subject site is a single-family residence within Thompson Terrace Subdivision located on Nicole Lane (a local residential street) in unincorporated DeKalb County. Per the DeKalb County Tax records, the property is developed with a one-story single-family brick and frame detached residence with a crawl space consisting of approximately 1,832 square feet. Access to the site is via a single curb cut from Reginald Court. The topography of the property is relatively flat with a well-manicured lawn. An approximate four (4) foot high page fence is located in the rear of the house. The property frontage is improved with curb and gutter. Surrounding and adjacent properties include detached single-family residences in the R-85 zoning district.

PROJECT ANALYSIS:

The applicant is requesting a Special Land Use Permit to operate an adult day care facility in the existing single-family residence for up to six (6) persons. The proposed hours of operation are 7:00 a.m. – 5:00 p.m., Monday through Friday. The applicant does not intend to make any changes to the exterior of the house nor install any signs on the property. If this petition is approved, the applicant must complete all required steps for obtaining a certificate of occupancy and business license from DeKalb County.

SUPPLEMENTAL REGULATIONS:

Pursuant to Chapter 27-Article 4.2.5 of the DeKalb County Code, adult day care facilities up to 6 clients shall be subject to the following requirements.

A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four (4) feet in height.

Site observation by Planning revealed an approximate four (4) - foot high fence with a gate attached to the rear of the residence.

B. Each adult day care facility shall provide off-street parking spaces as required by the applicable zoning district. t.

The submitted site-survey depicts off-street parking availability via the applicant's driveway for the existing single-family residence.

C. No adult day care facility shall be located within one thousand (1,000) feet of another adult day care facility.

There are no known adult day care facilities within 1,000 feet of the single-family residence.

SPECIAL LAND USE CRITERIA

Pursuant to Chapter 27-Article 7.4.6 of the DeKalb County Code, the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.

A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located:

The 2,812 square foot residence on .32 acres is adequate for operation of a child care facility for up to six children. Off-street parking can be accommodated within the existing driveway.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:

The proposed adult day care facility for up to six persons in the existing single-family residence is compatible with the surrounding neighborhood. The exterior of the existing single-family residence is not proposed for alterations, therefore remaining compatible with surrounding single-family residences.

C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:

Given that the site is within an established residential neighborhood, it appears that there are adequate public services, public facilities and utilities to serve the proposed adult day care facility in the existing residential structure.

- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the proposed use, so as not to unduly increase traffic or create congestion in the area:**

Nicole Lane and Reginald Court are local streets. Planning Staff anticipates little or no impact on public streets or traffic in the area for the limited enrollment of six persons.

- E. Whether or not existing land uses located along access routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use:**

The character of vehicles accessing the site may be the same vehicles accessing adjacent and surrounding residences in the area. There should be no significant increase in the daily volume of traffic given that the proposed adult day care will be limited to six (6) persons.

- F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency:**

Ingress and egress to the subject property via the existing driveway appears to be adequate. Pedestrian access to the home can be safely provided by the walkway that leads from Nicole Lane to the front door. Emergency vehicles can access the site from the existing driveway.

- G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:**

It appears that the proposed use should not create adverse impacts upon adjoining land uses due to smoke, odor, dust or vibration. The site must comply with the DeKalb County Noise Ordinance.

- H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:**

The hours of operation are Monday - Friday (7:00a.m.-5:00p.m). The operating hours should not create adverse impacts upon any adjoining land uses.

- I. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use:**

The manner of operation should not impact adjoining single-family land uses.

- J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:**

The proposed adult day care facility within the existing residential structure would be consistent with the requirements of the R-85 (Residential Medium Lot) District with an approved Special Land Use Permit.

- K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:**

Located within a Suburban Character Area land use designation, the proposed adult day care facility is consistent with the following 2035 Comprehensive Plan Strategy: The non-residential development in suburban areas shall be limited to small-scale convenience goods/services to meet the needs of the surrounding residents.

- L. Whether or not the proposed plan provides for all buffers and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located:**

No transitional buffers are required.

- M. Whether or not there is adequate provision of refuse and service areas:**

Adequate refuse and service areas will be provided.

N. Whether the length of time for which the special land use permit is granted should be limited in duration:

There does not appear to be any compelling reasons for limiting the duration of the requested Special Land Use Permit. The proposed adult day care facility is an on-going business and should not be limited in duration.

O. Whether or not the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings:

The existing single-family residence on the subject site is appropriate in relation to size and scale of adjacent and nearby residences in the area. The applicant has no plans for building expansion.

P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:

Based on the submitted site plan and information, it does not appear that the proposed plan would adversely affect historic buildings, sites, districts, or archaeological resources.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit:

Supplemental regulations require State approval documentation, compliance to zoning district regulations and distance requirements from other adult day care facilities. Based on information from the submitted application (site survey & impact analysis), the proposed use should satisfy supplemental regulations.

R. Whether or not the proposed building as a result of its proposed height, would create a negative shadow impact on any adjoining lot or building:

The existing residence is compatible with other residences in the area. It does not appear that the proposed adult day care facility would create a negative shadow impact on any adjoining lot or building.

S. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan:

The proposed use does not conflict with overall objectives of the comprehensive plan which is to offer a variety of services for residents in unincorporated DeKalb County.

COMPLIANCE WITH R-85 (RESIDENTIAL MEDIUM LOT) DISTRICT STANDARDS PER ARTICLE 27-TABLE 2.2

STANDARD	REQUIREMENT	EXISTING	COMPLIANCE
LOT WIDTH	85 Feet	Approx. 195 feet along Nicole Lane and 123 feet along Reginald Court	Yes
LOT AREA	Min. 12,000 Square Feet	.6 acres or 26,136 Square Feet	Yes

YARD SETBACKS	FRONT	35 Feet	35 Feet	Yes
	INTERIOR SIDE YARD	8.5 Feet	> 8.5 Feet	Yes
	REAR	40 Feet	>40 Feet	Yes
HEIGHT		35 Feet	35 Feet	Yes
PARKING Article 6 (Detached Single-Family)		Min. 2 spaces Max. 4 spaces activity	Existing driveway can accommodate 4 parking spaces	Yes

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

Based on the submitted information, it appears that the application meets the criteria of the zoning ordinance for a Special Land Use Permit for an adult day care facility for up to six (6) persons in an existing single-family residential structure. The proposed adult day care facility is not expected to have a negative impact on the surrounding neighborhood, due to the proposed hours of operation (7:00 AM to 5:00 PM, Monday through Friday), and the limited number of clients. The existing drive can accommodate parking for four (4) vehicles. Located within a Suburban Character area designated by the 2035 Comprehensive Land Use Plan Map, the proposed use is consistent with the following plan strategy: The non-residential development in suburban areas shall be limited to small-scale convenience goods/services to meet the needs of the surrounding residents. The applicable requirements of the R-85 (Residential Medium Lot) District have been met. The Department of Planning and Sustainability recommends **“APPROVAL CONDITIONAL”** with the following recommended conditions.

1. The adult day care facility shall be limited to a maximum number of six clients between the hours of 7:00 A.M. to 5:00 P.M., Monday through Friday, in the existing single-family residence.
2. Refuse containers shall not be visible from the street except during pick-up. No identification sign for the adult day care facility shall be posted on the property.
3. The applicant shall provide proof of a certificate of registration by the State Department of Human Resources before obtaining a certificate of occupancy and business license from DeKalb County.
4. The Special Land Use Permit shall be issued to Claudette Lawrence for operation of an adult day care facility and shall not be transferrable.

Attachments:

1. Department and Division Comments
2. Application
3. Site Plan
4. Zoning Map
5. Aerial Photograph
6. Site Photographs

NEXT STEPS

Following an approval of this application, one or several of the following may be required:

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- **Building Permit** *New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✓ **Certificate of Occupancy** *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance or Special Exception** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- ✓ **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.

Traffic Comments - March 2019 Zoning Agenda

N1 & N2. Rock Chapel Road is SR 124. GDOT review and permits required. . Contact Justin Hatch at GDOT District 7 (juhatch@dot.gov). Rock Chapel Road is classified as a major arterial. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements. Right of way dedication of 50 feet from centerline required. All public infrastructure is required on public right of way- even if it exceeds 50 feet from centerline. Applicant is encouraged to seek an access easement across private property to obtain access to the traffic signal at Rock Mountain Rd and Rock Chapel Road. Street lighting along Rock Chapel Road required.

N3. No customer parking within public right of way along Chantilly Road due to close proximity of multiple intersections. Chantilly Road is classified as a local road. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements. Right of way dedication of 27.5 feet from centerline of Chantilly Road. These requirements will be applied with any land development permits.

N4. Rice Road, Classified as a local road. No comment.

N5. Lexington Trace is classified as a local road. Agape Way is classified as a local road. Agape Road is located within the I-285 right of way. GDOT review and approval is required. Contact Justin Hatch at GDOT District 7 (juhatch@dot.gov). Applicant must coordinate with the Major Mobility Improvement Projects (MMIP) proposed managed lanes project along the east wall of I-285. Contact Tim Matthews (TMatthews@dot.ga.gov) prior to permitting. Local roads require a 27.5 foot right of way dedication from centerline, 5 foot landscape strip, 5 foot sidewalk. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements. Streetlights required. Infrastructure improvements required on all frontages.

N6. Nicole Lane is classified as a local road. Reginald Court is classified as a local road. No comment.

N7 & N8. E. Tupelo Street is classified as a local roads. Oldfield Road is classified as a local road. All local public roads require a 27.5 foot right of way from centerline, five foot landscape strip, five foot sidewalk and street lights. Infrastructure improvements required on all frontages. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements.

N9. Wellborn Road is classified as a collector road. Collector Roads require a 35 foot right of way dedication from centerline, 6 foot sidewalk, 4 bike lane, 5 foot landscape strip, and streetlights. Covington Hwy is classified as major arterial. Requires GDOT approval and review. Contact Justin Hatch at GDOT District 7 (juhatch@dot.gov). Major arterials require a 50 right of way dedication from centerline, 6 foot sidewalks, 4 foot bike lane, 5 foot landscape strip and street lights. Number of units requires two access points per code. Eliminate the acceleration lane at entrance. GDOT has just awarded an intersection project at the intersection of Covington Hwy at Wellborn Rd/Cove Lake Road. Coordinate with construction awarded to Baldwin Paving. Install a roundabout at the access point on Wellborn Road- eliminates the right turn lane and the left turn lane. The Transportation Division will support the one entrance with the installation of a roundabout, but still requires Board action to vary from the code.

N10. Flowers Road is classified as a collector road. Collector Roads require a 35 foot right of way dedication from centerline, 6 foot sidewalk, 4 foot bike lake, 5 foot landscape strip, and streetlights. Covington Hwy is classified as major arterial. Extend infrastructure improvements along all property lines. Intersection, stopping and left turn sight distance required to be verified by Professional Engineer at entrance on Wellborn Road due to curve and possible hill crest along Wellborn Road. Minimum sight distance requirements must be met for permitting.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER MMALEXANDER@DEKALBCOUNTYGA.GOV OR JOHN REID
JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: SLUP-19-1243042 Parcel I.D. #: 16-198-04-025

Address: 1794
Nicole Lane
Lithonia, GA 30058

Adjacent Roadway (s):

_____	_____
(classification)	(classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____	Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

Field And plans reviewed. Found nothing that would interfere with Traffic flow.

Signature: [Signature]

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing deadline.

JAN 03 2019

Date Received:

BY: [Signature]

Application No:

SLUP-19-1243042

APPLICANT NAME:

Claudette Lawrence

Daytime Phone:

404 291 9927

E-Mail:

Claudreylaw@gmail.com

Mailing Address:

4261 - Lake Breeze Drive Stone Mt GA 30083

Owner Name:

Collin Lawrence

(If more than one owner, attach contact information for each owner)

Daytime Phone:

1914 312 5485

E-Mail:

Jnr.law83@gmail.com

Mailing Address:

4261 Lake Breeze Drive, Stone Mt GA 30083.

SUBJECT PROPERTY ADDRESS OR LOCATION:

1794 Nicole Lane

Lithonia

DeKalb County, GA, 30058

Parcel ID:

1618804025

Acreage or Square Feet:

0.6 Acres

Commission Districts

5 & 7

Existing Zoning:

R85

Proposed Special Land Use (SLUP)

Adult Day Care

I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

Owner:

Agent: ☒

Signature of Applicant

Claudette Lawrence

Printed Name of Applicant:

Claudette Lawrence

Notary Signature and Seal:

[Signature]



Notice Date: December 16, 2018

PUBLIC NOTICE

To

Request for a Special Land Use Permit

Filed By: Claudette Lawrence

Located at: 1794 Nicole Lane

Lithonia, GA 30058

Current Use - Residence

Proposed Use - Adult Day Care

Hours of Operation

Proposed: Monday - Friday 7am - 5pm

Capacity: No Change

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT:

Location: 1794 Nicole Lane, Lithonia GA 30058

Date & Time: Wednesday January 2, 2019 6pm

MEETING SIGN-IN SHEET

Project: Special Land Use Permit

Meeting Date: January 2, 2019

Facilitator: Claudette Lawrence

Location: 1794 Nicole Lane.

Name

Address

Phone

E-Mail

Lynda Howell	7560 Reginald Ct.	770-633-5403	bhglass@aH.net
Mike Antonucci	1825 Enid Dr. Lithonia	770-482-8626	maantonucci@ mindspring.com

Claudette A. Lawrence
4261 Lake Breeze Drive.
Stone Mountain, GA. 30083

To Whom It May Concern.

I hearby apply for a permit to use the propery located at 1794 Nicole Lane. Lithonia GA, 30058 for the purpose of Adult Day Care Center. This facitlity will provide services for up to six persons simultaneously. This adult day care facility will meet and be operated in compliance with all applicable state laws and regulation and with all ordinances regulation of the county.

Respectfully,

Claudette Lawrence



Impact Analysis

- A. The size of the site to be used is adequate and the land area includes provision for all yards, open space, off-street parking and all other applicable requirements of the zoning district in which the use is proposed to be located.
- B. The property to be used is compatible with adjacent properties and land use and other properties and land uses in the district.
- C. There are adequate public services, public facilities and utilities to serve the use contemplated.
- D. The public street on which the use is proposed to be located is adequate and there is sufficient traffic carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.
- E. The existing land uses located along access routes to the site will not be adversely affected by the character of the vehicles or volume of traffic generated by the proposed use.
- F. Ingress and egress to the property do not inhibit the flow of traffic nor is the safety of pedestrian compromised in the event of emergencies.
- G. The proposed use of the property will not adversely impact any adjoining land use by reason of noise, smoke, dust, odor, or vibration generated.
- H. The hours of operation of the proposed use will not adversely impact any adjoining land.
- I. The manner of operation of the proposed use will not adversely impact any adjoining land.
- J. The proposed plan is consistent with all the requirements of the zoning district classification in which the use is proposed to be located.
- K. The proposed use is in consistent with the policies of the comprehensive Plan.
- L. The proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulation of the district in which the use is proposed to be located.
- M. There is adequate provision of refuse and service areas.
- N. The length of time for which the special land use permit I granted should not be limited in duration.
- O. The size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
- P. The proposed plan will not adversely affect historic buildings, sites, districts, or archaeological resources.
- Q. The proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.
- R. The proposed building as a result of its proposed height will not create a negative shadow impact on any adjoining lot or building.
- S. The proposed used will be consistent with the needs of the neighborhood or the community as a whole will be compatible with the neighborhood and will not be in conflict with the overall objectives of the comprehensive plan.

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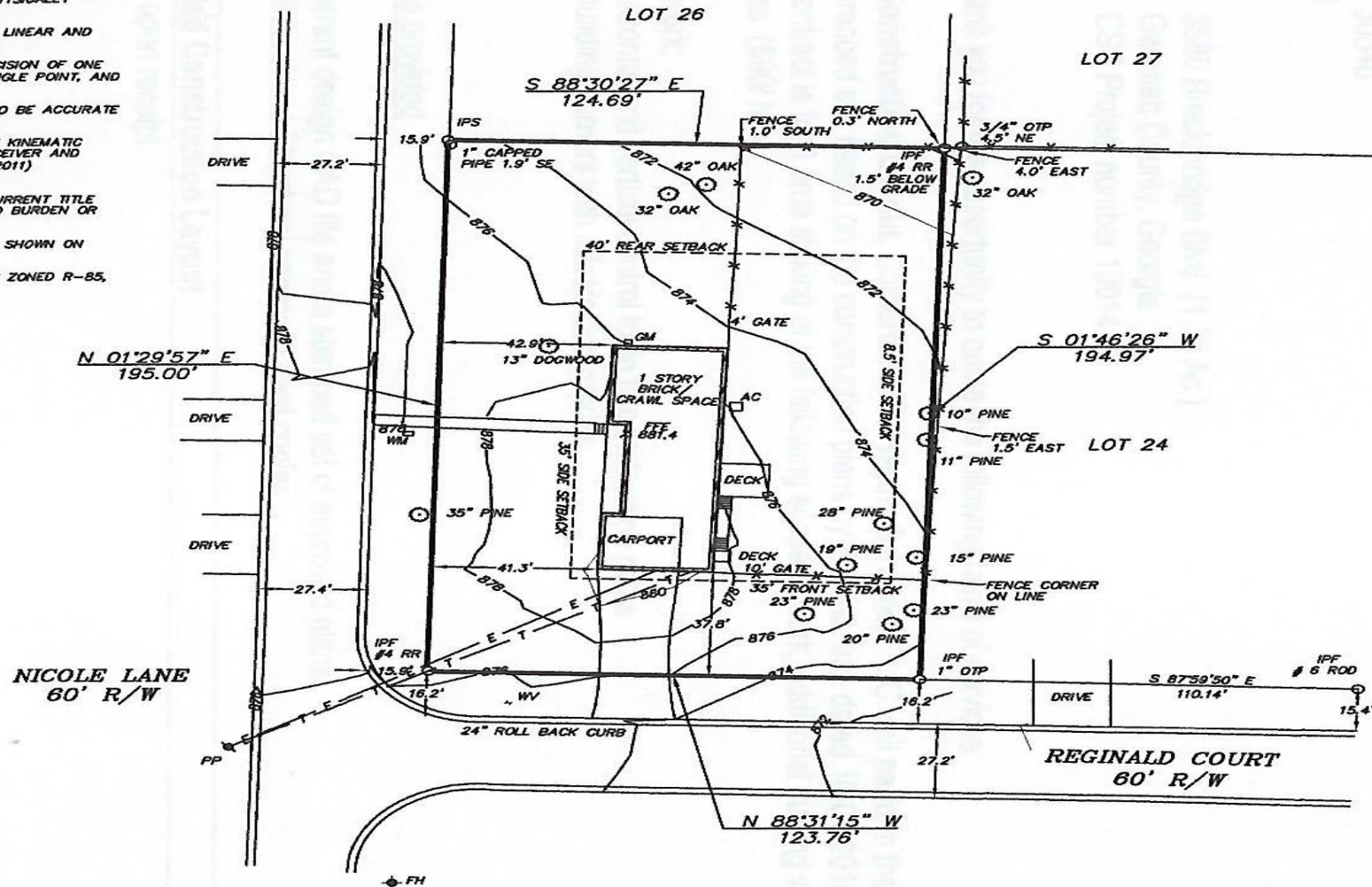
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REVISION		

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OF
1794 NICOLE LANE
LOT 25, BLOCK "A"
THOMPSON TERRACE SUBDIVISION

LAND LOT: 188

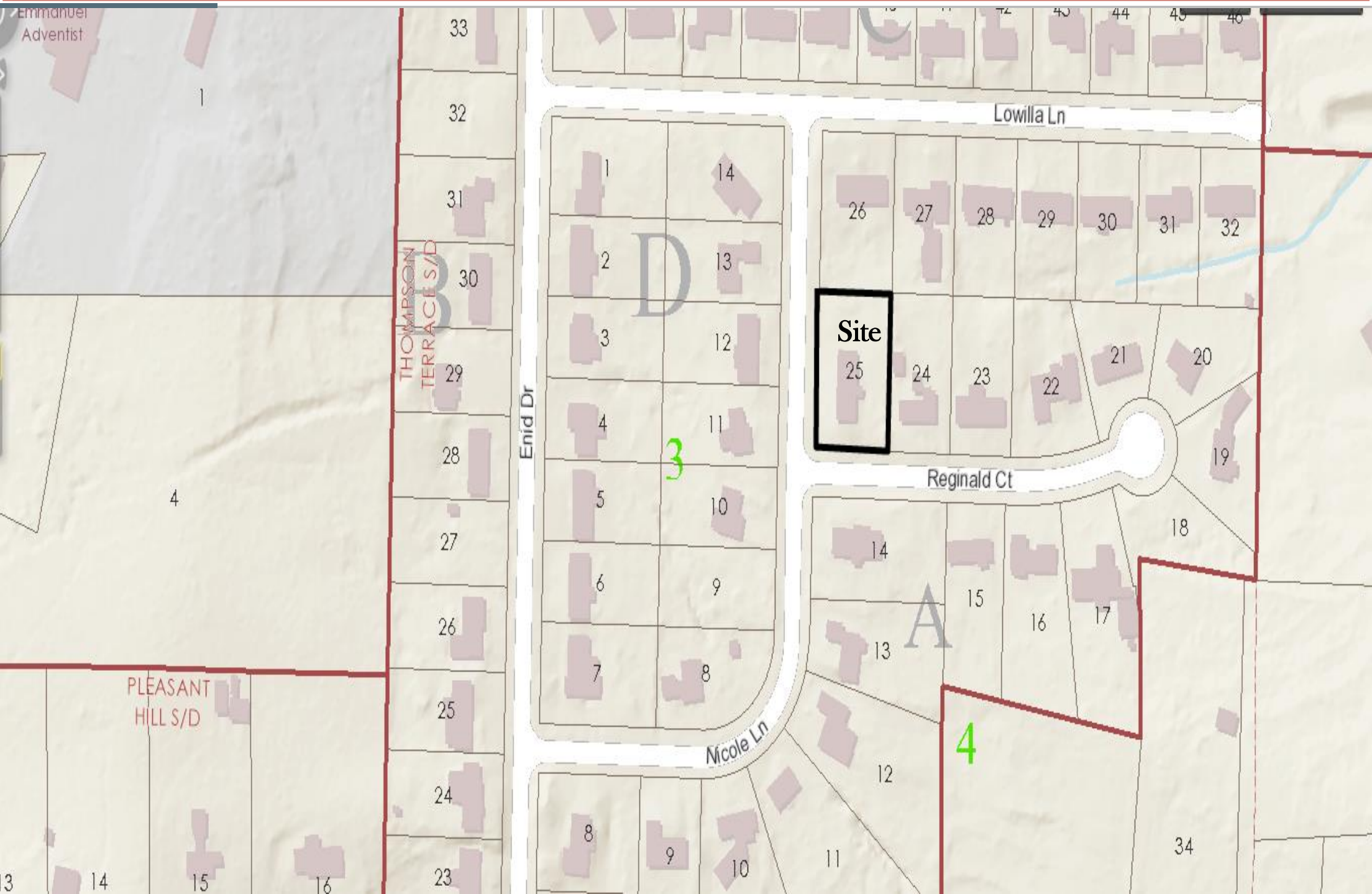
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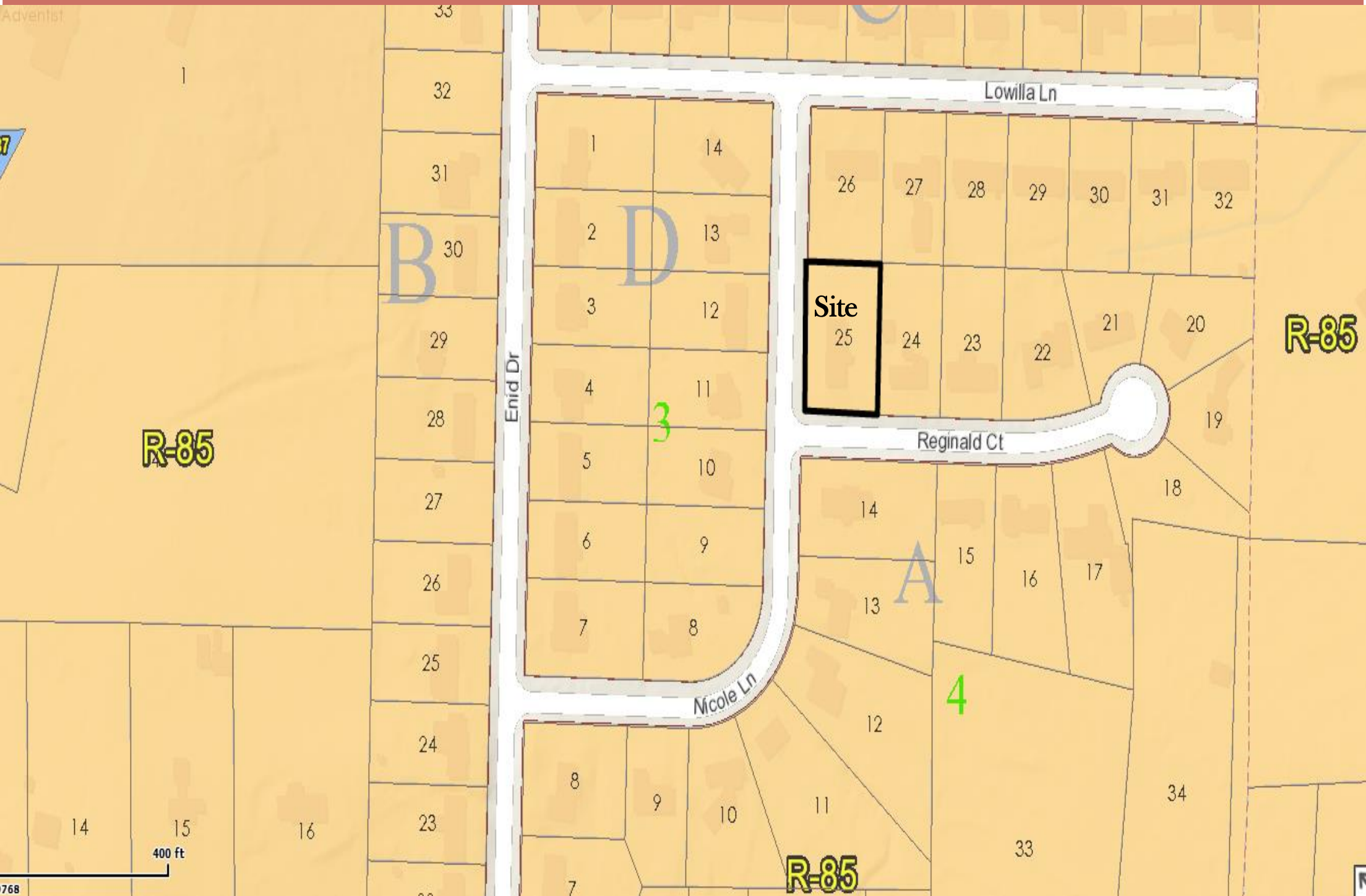
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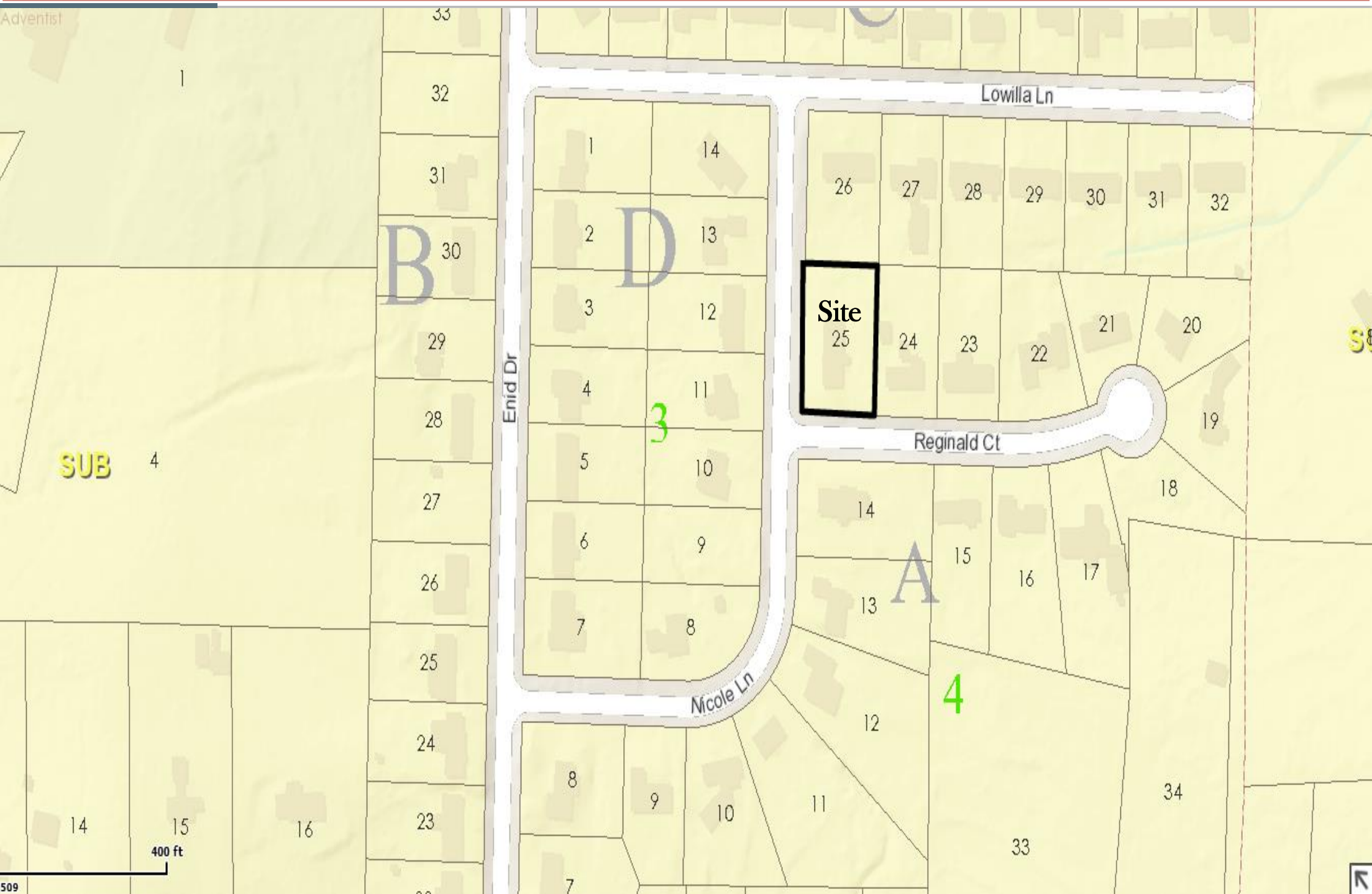
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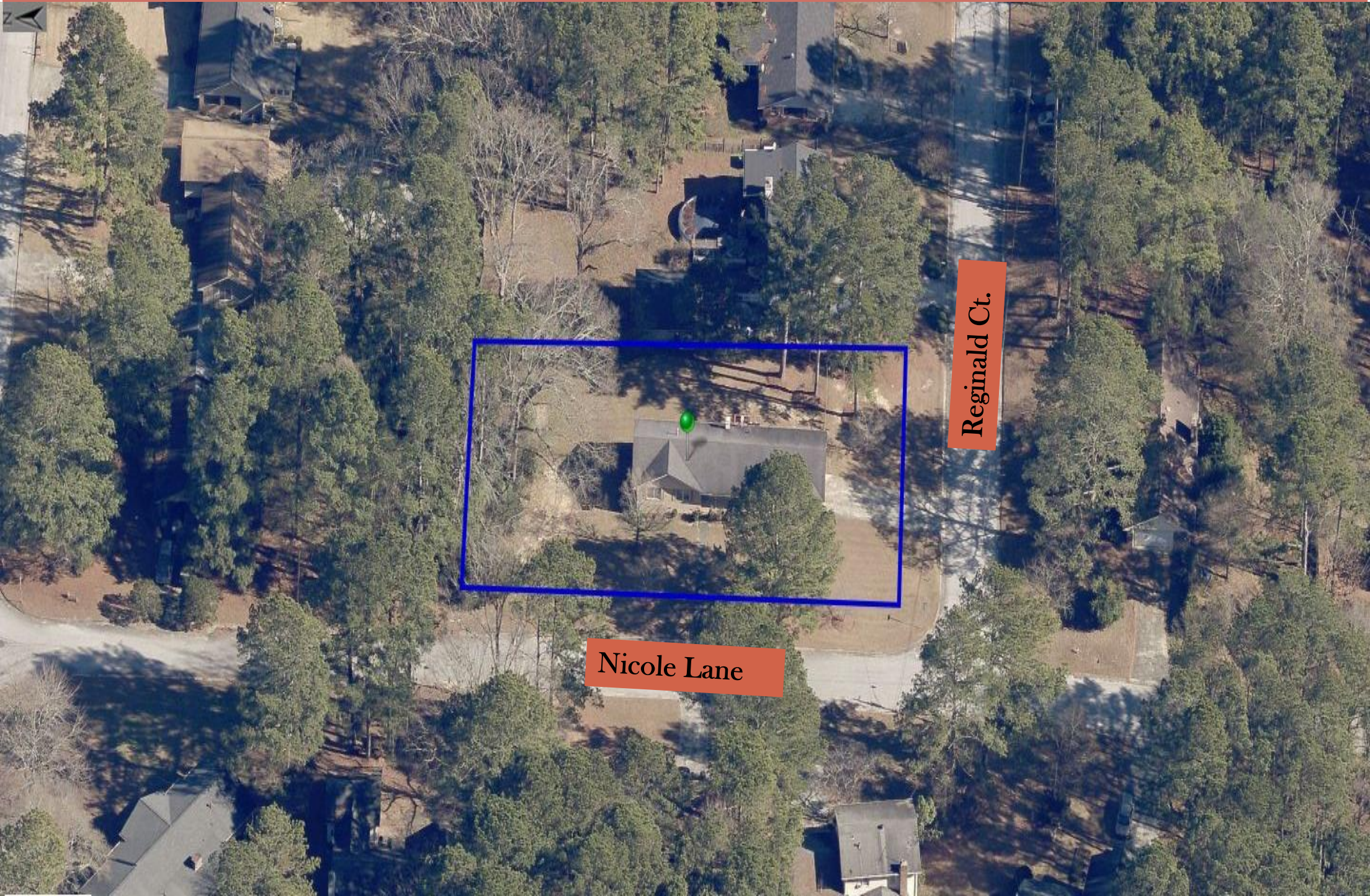




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SLUP-19-1243042

Aerial



Reginald Ct.

Nicole Lane





Site Frontage on Nicole Lane



Site Frontage on Reginald Court