

Agenda Item

File ID: 2019-3529

Substitute

6/12/19

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT: Special Land Use Permit - Erica Stewart

COMMISSION DISTRICT(S): 3 & 6

Application of Erica Stewart for a Special Land Use Permit to operate a 24-hour in-home day care facility for up to six children in an RSM (Small Lot Residential Mix) District, at 2902 Cedar Trace Drive.

PETITION NO: N4. SLUP-19-1243155

PROPOSED USE: In-home child day care center.

LOCATION: 2902 Cedar Trace Drive, Ellenwood.

PARCEL NO. : 15-041-01-152

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application SLUP-19-1243155 of Erica Stewart for a Special Land Use Permit to operate a 24-hour in-home day care facility for up to six children in an RSM (Small Lot Residential Mix) District, in accordance with Chapter 27, Article 4 of the DeKalb County Code, Table 4.1. The property is located at the southeast side of Cedar Trace Drive, approximately 420 feet south of Cedar Trace Lane, at 2902 Cedar Trace Drive, Doraville. The property has approximately 65 feet of frontage on Cedar Trace Drive and contains 0.38 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: APPROVAL.

PLANNING COMMISSION: APPROVAL WITH CONDITIONS.

PLANNING STAFF: APPROVAL WITH CONDITIONS.

STAFF ANALYSIS: The proposed child day care facility is consistent with policies of the 2035 DeKalb County Comprehensive Plan that support the provision of convenient child care for working parents. By providing day care within a residential neighborhood setting, the proposed day care facility can enable children to develop a sense of place. In addition, because the size, scale, and appearance of the existing single-family home will be maintained, the proposed use is compatible with Suburban Character Area Policy No. 1 of the Comprehensive Plan, which states: "Protect stable neighborhoods from incompatible development that could

alter established single-family residential development patterns and density.” The proposed use is expected to generate traffic only from passenger vehicles, which would not adversely impact existing land uses along access routes to the site. It is expected that parents will be able to safely drop off and pick up their children because Cedar Trace Drive, a local street that terminates in a cul-de-sac, carries relatively low amounts of traffic. Emergency ingress and egress appear to be sufficient. By providing child care in a day shift and a night shift, the proposal would enable parents who work overnight to obtain child care. Such overnight workers include medical/emergency personnel, fire fighters, police/security personnel, hospitality and entertainment industry workers, resident chaplains and counselors, transportation workers, and night-shift factory workers. The children who are cared for overnight are not expected to cause any unusual impacts on neighboring properties because they would be sleeping during most of the night-time shift. Some noise might be generated when children are playing outside, but there is enough space between the homes to provide a reasonable buffer against noise and activity. Children typically play outdoors in single-family neighborhoods and it is not unusual to see a group of up to six children playing together in the yards of individual homes. Thus, the facility would not introduce activity into the neighborhood that would be unexpected or unreasonable. Therefore, the Department of Planning and Sustainability recommends “Approval, with conditions”.

PLANNING COMMISSION VOTE: Approval with Conditions, 9-0-0. V. Moore moved and J. West seconded for approval as recommended and conditioned by Staff, with an added condition that there be no signage.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 11-0-1. The Community Council Board was satisfied that the applicant is capable and qualified to operate a day care facility. No neighbors spoke in opposition

Recommended Conditions

SLUP-19-1243155

Special Land Use Permit (SLUP) for an In-home Child Day Care Facility

1. A Special Land Use Permit for a child day care facility shall be granted to Erica Stewart and shall not be transferrable. Ms. Stewart may designate another person ("Director") or persons ("Directors") to operate the facility, provided that she will reside in the home that is being used for the facility while such Director or Directors operate the facility.
2. The proposed child day care facility shall operate Monday through Friday, starting at 6:00 A.M. on Mondays and ending at 6:00 A.M. on Saturdays.
3. No more than six children shall be under the care of the operator(s) of the child day care facility at a time. For the purpose of computing the number of children under care, all children who are related by blood, marriage, adoption, or guardianship to the person or persons operating the facility shall be included.
4. The operator(s) of the facility may care for children in two shifts, including a daytime shift from 6:00 A.M. to 6:00 P.M. and a night-time shift from 6:00 P.M. to 6:00 A.M.
5. Prior to obtaining a certificate of occupancy for a child day care facility, Ms. Stewart shall cause an outdoor play area in the rear yard of the property to be enclosed with a fence.
6. No signage or graphics related to the day care facility shall be displayed on the exterior of the home.
7. This Special Land Use Permit shall expire one year from the date of approval by the Board of Commissioners.