

AN ORDINANCE TO GRANT A SPECIAL LAND USE PERMIT TO OPERATE AN ADULT DAY CARE FACILITY FOR UP TO SIX PEOPLE WITHIN AN EXISTING SINGLE -FAMILY RESIDENCE IN AN R-85 (RESIDENTIAL MEDIUM LOT) DISTRICT. THE PROPERTY IS LOCATED ON THE NORTHEAST CORNER OF REGINALD COURT AND NICOLE LANE, APPROXIMATELY 195 FEET SOUTH OF LOWILLA LANE AT 1794 NICOLE LANE, LITHONIA, GEORGIA. THE PROPERTY HAS APPROXIMATELY 195 FEET OF FRONTAGE ALONG THE EAST SIDE OF NICOLE LANE AND 123 FEET OF FRONTAGE ALONG THE NORTH SIDE OF REGINALD COURT AND CONTAINS 0.6 ACRE.

APPLICANT: Claudette Lawrence

OWNER:

COMMISSION DISTRICTS: 5 & 7

WHEREAS, Claudette Lawrence has filed an application for a Special Land Use Permit for property located at 1794 Nicole Lane, and more particularly described as follows:

All that tract or parcel of land and being in **District 16, Land Lot 188, Block 04, Parcel 025** of DeKalb County, Georgia, containing 0.6 acre, and

WHEREAS, it appears to the Board of Commissioners that the application meets all of the criteria set forth in the DeKalb County Code, Chapter 27, Article VII, Division 4, Section 7.4, relating to the R-85 District.

THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, HEREBY ORDAINS:

Part 1: Pursuant to the authority of the DeKalb County Board of Commissioners to exercise powers of zoning, set forth in Section 27-1.1 & Section 27-7.4 of the DeKalb County Zoning Ordinance to grant a Special Land Use Permit to operate an adult day care facility for up to six people within an existing single -family residence in an R-85 (Residential Medium Lot) District. The property is located on the northeast corner of Reginald Court and Nicole Lane, approximately 195 feet south of Lowilla Lane at 1794 Nicole Lane, Lithonia, Georgia. The property has approximately 195 feet of frontage along the east side of Nicole lane and 123 feet of frontage along the north side of Reginald Court. The property contains 0.6 acre and is hereby approved, (with conditions).

Part 2: That if this amendment is approved conditionally, and under the provisions of Section 27-7.3.9 of the DeKalb County Zoning Ordinance, the Director of Development shall issue a permit for the development of the above-described Special Land Use, only in compliance with the conditions and/or site plan as herein attached to this ordinance.

Part 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

MARCH 26, 2019

SLUP-19-1243042

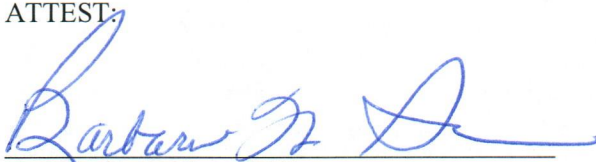
2018-3214

ADOPTED by the DeKalb County Board of Commissioners this 26th day of March 2019.



Jeff Rader
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

ATTEST:



Barbara H. Sanders, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

REQUESTED BY APPLICANT:

Application of Claudette Lawrence to request a Special Land Use Permit (SLUP) to operate an adult day care facility for up to six people within an existing single-family residence in an R-85 (Residential Medium Lot) District.

RECOMMENDATIONS

PLANNING AND SUSTAINABILITY DEPARTMENT 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 with the following 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.

PLANNING COMMISSION RECOMMENDATION:

Approval w/Staff's Conditions 8-0-0. A. Atkins moved, P. Womack, Jr. seconded for approval with Staff's conditions.

**BOARD of COMMISSIONERS FINAL ACTION
MARCH 26, 2019**

BOARD OF COMMISSIONERS:

March 26, 2019, Approval with Staff's conditions.

FINAL 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.
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