



Legislation Details (With Text)

File #: 2022-2535 **Version:** 1 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 11/17/2022 **In control:** Board of Commissioners - Zoning Meeting
On agenda: 1/26/2023 **Final action:**
Title: COMMISSION DISTRICT(S): Commission District 03 Super District 06
 Application of Walter Artis & Felicia Williams for a Special Land Use Permit (SLUP) to allow a Child Caring Institution (CCI) for up to six children within the existing single-family detached home in the RSM (Small Lot Residential Mix) zoning district, at 2931 Ward Lake Way.

Indexes:

Attachments: 1. SLUP-23-1246169 Recommended Conditions Jan BOC 2023, 2. SLUP-23-1246169 Jan BOC 2023 Staff Report 2931 Ward Lake Way, 3. Petition Against SLUP-23-1246169

Date	Ver.	Action By	Action	Result
1/26/2023	1	Board of Commissioners - Zoning Meeting	approved with conditions	Pass
1/5/2023	1	Planning Commission		

Public Hearing: YES NO **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of Walter Artis & Felicia Williams for a Special Land Use Permit (SLUP) to allow a Child Caring Institution (CCI) for up to six children within the existing single-family detached home in the RSM (Small Lot Residential Mix) zoning district, at 2931 Ward Lake Way.
PETITION NO: N4-2022-2535 SLUP-23-1246169

PROPOSED USE: Child Care Institution for up to six (6) children.

LOCATION: 2931 Ward Lake Way, Ellenwood, Georgia 30294.

PARCEL NO. : 15-009-05-032

INFO. CONTACT: Andrea Folgherait, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Walter Artis & Felicia Williams for a Special Land Use Permit (SLUP) to allow a Child Caring Institution (CCI) for up to six children within the existing single-family detached home in the RSM (Small Lot Residential Mix) zoning district. The property is located on the west side of Ward Lake Way, at 2931 Ward Lake Way in Ellenwood, Georgia. The property has approximately 53 feet of frontage along Ward Lake Way and contains 0.18 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Approval.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The applicants, Walter Artis and Felicia Williams, own and operate WLA Youth Services LLC, a child caring institution (CCI) group home. The proposal is for a residential group home for *either male or females*, for up to six (6) youths between the ages of 14 years old to 18 years old with developmental disabilities...[including intellectual disability, autism spectrum disorder, Down syndrome, and cerebral palsy] receiving 24 hour/ 7 days a week care and supervision. However, the application materials indicate that residents up to age 21 may be permitted to stay. The youths in this program will be enrolled in DeKalb County Public Schools. The applicants are requesting to operate within a property located in a Small Lot Residential Mix (RSM) Zoning District, in which the applicants do not reside. The applicants have stated, "per the Office of Provider Management's (OPM) regulations, we are not permitted to reside within the home." The CCI will have 4 staff members, working 10-hour rotating shifts, along with a Program Director, and a Life Coach who make multiple site visits each week to oversee supervision and provide mentorship to the youths. A group, child caring institution (CCI) is classified as "a building(s) in which housing, meals, and twenty-four hour continuous, watchful oversight for children under the age of eighteen (18) are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia" that "offers care to between four (4) and six (6) children." The applicants state in their application that, "The U.S. Department of Health and Human Services regulations require a Special Land Use Permit and an inspection done by a Fire Marshall to be obtained by WLA Youth Services prior to operation." The requested SLUP is consistent with the *Comprehensive Plan* and *Zoning Ordinance*. 2931 Ward Lake Way is in the Suburban (SUB) future land use character area, which includes RSM zoning districts (pg. 44) and lists institutional uses as an identifying land use feature (pg. 47). The Suburban character area is designed to recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. WLA Youth Services operating in a property that exteriorly appears no different than the other properties in the neighborhood does not detract or undermine this intent. The site should be adequate for the proposed use in a residential setting. The provided floor plan shows a 2-story home containing three (3) bedrooms and two and a half (2.5) bathrooms for the children. The adverse impacts based on the manner and time of operation should be minimal. The driveway is sufficient to accommodate at least four (4) vehicles and two (2) vehicles in the garage. There will always be at least one (1) vehicle in the driveway for the site staff on duty, and two (2) vehicles in the driveway when the Director and Life Coaches are conducting site visits throughout the week. No expansion or exterior modification of the existing structure is proposed. Therefore, upon review of Sections 7.4.6 and 4.2.41 of the *Zoning Ordinance*, staff recommends "Approval, with conditions".

PLANNING COMMISSION VOTE: Approval 8-0-0. Jan Costello moved, Deanna Murphy seconded for Approval, per Staff recommendation. Vivian Moore was not present for this vote.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 8-1-0.