



Legislation Details (With Text)

File #: 2023-0588 **Version:** 1 **Name:**
Type: Ordinance **Status:** Public Hearing
File created: 5/10/2023 **In control:** Board of Commissioners
On agenda: 7/27/2023 **Final action:**
Title: COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of Marion Cato for a Special Land Use Permit (Special Land Use Permit) in the R-85
(Residential Medium Lot-85) zoning district to allow a Child Care Institution (CCI) for 4 to 6 individuals,
at 928 Fairwind Court.

Indexes:

Attachments: 1. SLUP-23-1246460 Recommended Conditions, 2. SLUP-23-1246460 July 2023 Staff Report 928 Fairwind Court

Date	Ver.	Action By	Action	Result
7/27/2023	1	Board of Commissioners - Zoning Meeting	deferred for 45 days	Pass
7/27/2023	1	Board of Commissioners - Zoning Meeting	denied	Pass
7/11/2023	1	Planning Commission	denial per staff recommendation	Pass

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

SUBJECT:

COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of Marion Cato for a Special Land Use Permit (Special Land Use Permit) in the R-85 (Residential Medium Lot-85) zoning district to allow a Child Care Institution (CCI) for 4 to 6 individuals, at 928 Fairwind Court.
PETITION NO: N6-2023-0588 SLUP-23-1246460

PROPOSED USE: Childcare institution (CCI) for 4-6 individuals.

LOCATION: 928 Fairwind Court, Stone Mountain, Georgia 30083.

PARCEL NO. : 18-092-02-016

INFO. CONTACT: Lucas Carter, Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Marion Cato for a Special Land Use Permit (Special Land Use Permit) in the R-85 (Residential Medium Lot-85) zoning district to allow a Child Care Institution (CCI) for 4 to 6 individuals. The property is located at 928 Fairwind Court in Stone Mountain, Georgia.

RECOMMENDATION:

COMMUNITY COUNCIL: Denial.

PLANNING COMMISSION: Denial.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The applicant is seeking a special land use permit (SLUP) to establish a child caring institution (four (4) to six (6) children). The requested use is consistent with the *Zoning Ordinance* and does not detract from the goals of the *Comprehensive Plan*. The subject property is in the Suburban (SUB) future land use character area, which includes institutional use as a primary land use (pg. 115). The proposed CCI will “accept referrals” from the Georgia Department of Juvenile Justice (DJJ) and “target young men between the ages of 10-17” in which “Each young man will be partnered with a volunteer mentor,” according to the submitted letter of intent. According to the same letter, the program will accept DJJ referrals “for youths with a history of delinquent behaviors, substance abuse, elopement, physical and traumatic abusive, youth in need of counseling services, youth with a goal of independent living/and or adoption from the juvenile care system.” The site should be adequate for the proposed use in a residential setting. The provided floor plan shows four bedrooms and two and a half bathrooms. The adverse impacts based on the manner and time of operation should be minimal, and the driveway & garage is sufficient to accommodate at least eight vehicles. The submitted program overview states, “The home will also always have 24 hours security around the property.” No expansion or exterior modification of the existing structure is proposed. During the public review process, an email was received from the Hearthstone Manor HOA Board expressing concerns about potential increases in safety issues, particularly “crime, safety, increased foot traffic through the neighborhood, property value decline, and numerous juveniles cycling in and out of the group home.” Based on the review of Sections 7.4.6 and 4.2.41 of the *Zoning Ordinance* and considering the public comment received, the staff recommends “Approval with conditions”.

PLANNING COMMISSION VOTE: Denial 9-0-0. LaSonya Osler moved, Vivian Moore seconded for denial of this application.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 11-0-1.