



## Legislation Text

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File #: 2023-0591, Version: 1

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

**SUBJECT:**

**COMMISSION DISTRICT(S):** Commission District 05 Super District 07

**Application of Joshua Mahoney for a Special Land Use Permit (SLUP) to allow for a Child Care Institution (CCI) for 4 to 6 individuals in the R-100 (Residential Medium Lot-100) zoning district, at 1193 Sherrington Drive.**

**PETITION NO:** N9-2023-0591 SLUP-23-1246463

**PROPOSED USE:** Childcare institution for 4-6 individuals.

**LOCATION:** 1193 Sherrington Drive, Stone Mountain, Georgia 30083.

**PARCEL NO. :** 15-224-09-062

**INFO. CONTACT:** Lucas Carter, Planner

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of Joshua Mahoney for a Special Land Use Permit (SLUP) to allow for a Child Care Institution (CCI) for 4 to 6 individuals in the R-100 (Residential Medium Lot-100) zoning district for property located at 1193 Sherrington Drive in Stone Mountain, Georgia.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Denial.

**PLANNING COMMISSION:** Approval with Conditions.

**PLANNING STAFF:** Approval with Conditions.

**STAFF ANALYSIS:** This application was first heard during the November 2022 zoning cycle. At that time, staff recommended a one cycle deferral to clarify the ages of the children and allow the applicant time to submit additional supporting documentation. The applicants have responded, clarifying that the children will be 4-16 years old and providing a supplemental document. The document provides a detailed description of the proposed operations, staff training and certificates, and a list of answers to community questions and concerns. The applicant is again seeking a special land use permit (SLUP) to establish a child caring institution (CCI) for four (4) to six (6) children. There appear to be no changes from the previous (January 2023) application. 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 proposal permits a residential group home for “youths with developmental disabilities...[including intellectual disability, autism spectrum disorder, Down syndrome, and cerebral palsy]” that may serve the needs of its immediate residential community. The site should be adequate for the proposed use in a residential setting. The provided floor plan shows three bedrooms and two bathrooms for the children. The adverse impacts based on the manner and time of operation should be minimal, and the driveway is sufficient to accommodate at least four vehicles. No expansion or exterior modification of the existing structure is proposed. Staff has also receive consistent community opposition since November 2022. Staff received a petition signed by neighbors during this current cycle. However, it appears some of the concerns expressed are due to a lack of understanding regarding the nature of the proposed operation. The proposed use is residential in nature and consistent with a neighborhood setting. Therefore, upon review of Sections 7.4.6 and 4.2.41 of the *Zoning Ordinance*, staff recommends “Approval, with the attached conditions recommended by Staff”.

**PLANNING COMMISSION VOTE: Approval with Conditions 7-2-0.** Jan Costello moved, LaSonya Osler seconded for Approval with three (3) conditions per Staff recommendation, with a modification of condition #2 to extend the expiration date to the year 2027. Vivian Moore and Edward Patton opposed.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 9-0-0.**