



Land Use Petition: SLUP-19-0004

Date of Staff Recommendation Preparation: April 10, 2019

Community Council: March 13, 2019

Planning Commission: April 25, 2019

PROJECT LOCATION:	1940 Idlewood Road
DISTRICT/LANDLOT(S):	18 th District, Land Lot 186
ACREAGE:	0.69 acre
EXISTING ZONING	R-75 (Residential Medium)
EXISTING LAND USE	Single Family Home
FUTURE LAND USE MAP DESIGNATION:	Suburban (SUB)
OVERLAY DISTRICT:	NA
APPLICANT:	Megan Thomas
OWNER:	Megan Thomas and William Thomas
PROPOSED DEVELOPMENT:	Applicant requests approval of a Special Land Use Permit for a Child Day Care Facility.
STAFF RECOMMENDATION:	Approval with conditions of SLUP-18-0004 (Child Day Care Facility)

PROJECT DATA

The applicant has submitted an application for a Special Land Use Permit (SLUP) for the ±0.69-acre subject property located at 1940 Idlewood Road. The application, SLUP-19-0004, is to allow a Child Day Care Facility in the R-75 (Residential Medium) zoning district. Pursuant to Section 4.2.19, supplemental regulations for Child Day Care Facilities (up to 6 children), the proposed business shall comply with all applicable state day care requirements, provide an adequate vehicular turnaround on site, and maintain the exterior appearance as a residential structure. All Child Day Care Facilities in single-family residential



zoning districts are only permitted with the approval of a Special Land Use Permit to ensure the operation of the facility will not be a detriment to the character of the residential neighborhood. This is the same measurement for home-based businesses that have customer contact.

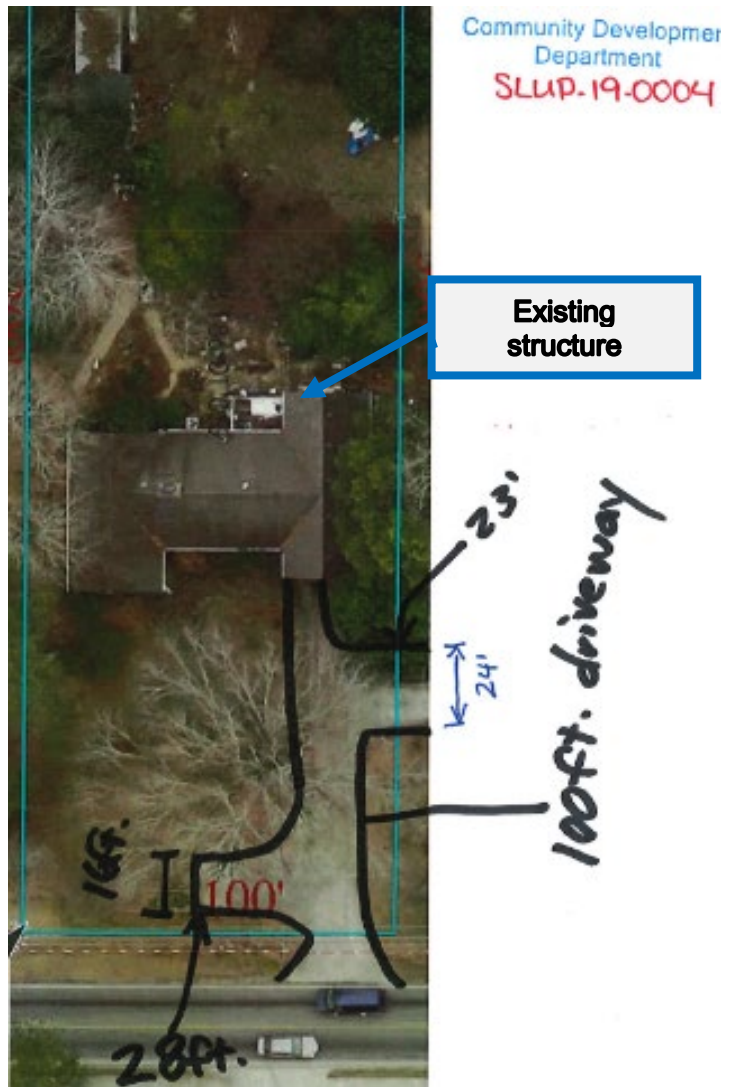
The city of Tucker defines a child day care facility as “an establishment operated by any person with or without compensation providing for the care, supervision, and protection of six (6) or fewer children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody. Per Sec. 4.2.19.C, “the exterior appearance of any child day care facility located in a residential district shall be maintained as a residential structure, and no signs other than those otherwise authorized within the applicable zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises).

The applicant operated a child daycare facility (Ms. Megan’s Childcare Center) at her previous residence in Tucker for 13 years and was registered with the state as a child day care facility. As she has recently

moved to a new location (zoned R-75), she is required to obtain a SLUP for a child day care facility at the new location. When the applicant applied for her business tax license she was informed the proposed use requires a SLUP. Immediately thereafter, she contacted the City of Tucker to begin the SLUP process and bring the business into compliance. The applicant, Ms. Megan’s Childcare Center, has received a quality rated status by Bright from the Start (BFTS), Georgia Department of Early Care and Learning. BFTS is the State regulating and licensing department in Georgia.

The ±0.69-acre site is developed with one structure, a two-story, single-family home with a driveway with two turn-around stubs for parent parking when dropping off children and to turn around enabling a safer pull out to the street for vehicles. The applicant intends no exterior change to the footprint of the existing building on the site. The driveway may accommodate approximately three vehicles at a time, parked in the turn-around stub outs, as shown in the inset. There is also a garage for resident parking. To the rear of the property is a (50 feet by 30 feet) 1500-square-foot play area that the applicant is the process of fencing to ensure safety of the children. As shown in the application submittal, the childcare areas are located on the first floor of the home in the sunroom and family room areas.

The proposed use meets the intent of the Suburban Character Area by providing services to the community. The proposal is consistent with general policies of the comprehensive plan including not encroaching into an existing neighborhood. The subject property is located approximately 800 feet south of the intersection of Fellowship Road and Idlewood Road.



USE ANALYSIS AND DEVELOPMENT PERMISSIONS

The subject property is located in the R-75 zoning district. The purpose and intent section of the R-75 zoning district (Article 2.6.1) indicates in part that the R-75 district is established to “assure that the uses and structures authorized in the R-75 (Residential Medium Lot–75) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood”.

The R-75 zoning district allows for “child day care facilities” only as a special use (Table 4-1 zoning ordinance). The intent of the City of Tucker Zoning Ordinance is that the proposed uses be determined on a case-by-case basis to ensure compatibility with the surrounding area including environmental

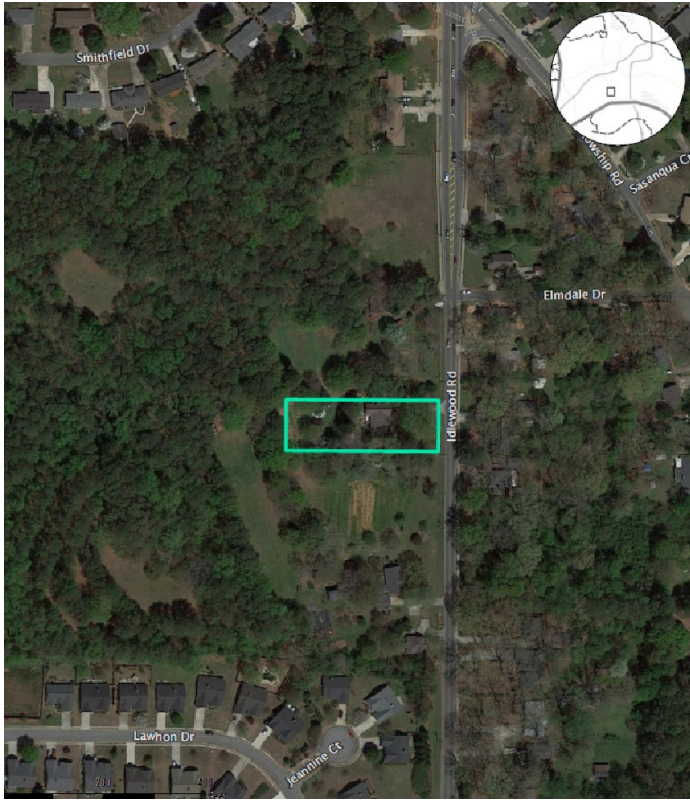
impacts, aesthetic and infrastructure impacts. In the City of Tucker all child day care facilities require a SLUP and must meet supplemental use regulations in article 4. The applicant states that the proposed child day care facility will meet all supplemental standards for child day care facility found in Section 4.2.19 of the Zoning Ordinance.

COMMUNITY COUNCIL REVIEW

The Community Council reviewed the proposed application on March 13, 2019. Community Council discussion included whether this business was appropriate in a residential neighborhood. The applicant explained that it was located next door to a 15-acre property that is also owned by the applicant. To the immediate south is another large tract comprising 16.7 acres. In essence, there are 3 homes amongst 32 acres on the west side of Idlewood Road. Additional discussion included whether the outdoor play area located to the rear of the house was fenced. The applicant stated that they were planning on fencing the play area. After the community council meeting, the applicant submitted photographs showing the fence surrounding the play area.

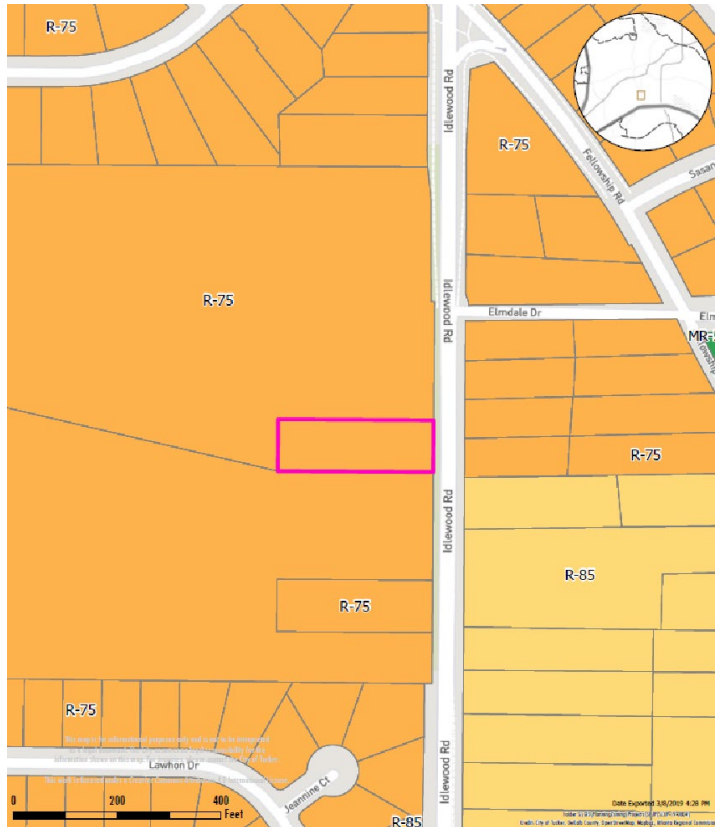
NEARBY/SURROUNDING LAND ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Overlay District	Existing Land Use
Adjacent: North	R-75	NA	Small farm & wooded land
Adjacent: East	R-75	NA	Single-family homes
Adjacent: South	R-75	NA	Small farm & wooded land
Adjacent: West	R-75	NA	Small farm & wooded land
Adjacent: Further South & East across Fellowship	R-85	NA	Single-family homes



Aerial Exhibit

Zoning Exhibit



SLUP-19-0004 CHILD DAYCARE FACILITY

CRITERIA TO BE APPLIED – SPECIAL LAND USE PERMIT

Criteria (standards and factors) for special land use decisions are provided in Section 7.4.6 of the City of Tucker Zoning Ordinance. Supplemental use regulations are outlined in Article 4, Division 2 of the zoning ordinance. The applicant is required to address these criteria (see application); below are staff's findings which are independent of the applicant's responses to these criteria.

A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.

The subject site is approximately 0.69 acre. The lot is developed with a two-story, single-family home and the applicant is not proposing to expand the existing structure's footprint. As part of the application, the applicant shows space for off-street parking for four to five vehicles, which is adequate for the proposed four to five children being dropped off. On-street parking is not an option at this location.

The applicant is not proposing any structural revisions. The request relates to the proposed use only.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.

From a land use standpoint, the proposed child day care facility would allow a non-intensive use in a residential zoned area. The land use and development of adjacent properties consist mostly of small farms and wooded land to the immediate north, south and west. East across Fellowship Road is developed with single-family homes, and the property is surrounded on all sides by R-75 (Residential Medium) zoned properties. Catercorner, across Idlewood Road is R-85 (Residential Medium) zoned property. The daily vehicular trips on the street will be minimal considering she averages fewer than (4) four clients per day. If approved the SLUP would allow a child daycare facility with a maximum of (4) four children.

C. Adequacy of public services, public facilities, and utilities to serve the proposed use.

Schools. There will be no impact on public school facilities.

Stormwater management. The applicant does not propose any alterations to the property, which would require review of stormwater management.

Water and sewer. Water and sewer approval is not required as the child daycare facility is a home-based business.

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.

Traffic impacts will be minimal. One curb cut location exists, which is for the driveway. The driveway is ± 90 from the right of way to the garage door. The house has a two-car garage, and (2) two turnarounds. In the applicant's application submittal, it states the day care facility has staggered arrival and departure times between the hours of 7:15am and 5:00pm.

E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.

If developed in accordance with recommended conditions, land uses along Idlewood Road will not be adversely affected by the character of vehicles or the volume of traffic generated by the proposed home day care. The application is for (6) six or fewer children.

F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.

DeKalb Fire Department has no comments for the child day care facility. The applicant is Fire Safety Certified and conducts monthly fire and emergency drills.

G. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

The proposed development will not generate excessive noise, nor will it emit smoke, odor, dust or vibration. The proposed use includes a child day care facility.

H. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

The property is surrounded by single-family homes, vacant wooded land and farmland on all sides.

I. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

If developed in accordance with the staff recommended conditions, land uses along Idlewood Road will not be adversely affected by the manner or operation of the child day care facility.

J. Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The proposed child day care facility does not further the intent of the zoning district classification to be a residential area. However, a child day care facility is an allowable use to be considered through a Special Land Use Permit.

K. Whether or not the proposed use is consistent with the policies of the comprehensive plan.

The subject property and the immediate area is designated Suburban on the Future Land Use. The proposal is consistent with general policies of the comprehensive plan including not encroaching into an existing neighborhood. There adjacent single-family homes are not part of a subdivision.

L. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

No transitional buffer zones are required. There are no alterations to the structure.

M. Whether or not there is adequate provision of refuse and service areas.

The applicant has a residential sanitation account with DeKalb County Sanitation which should accommodate any additional refuse generated by the child day care facility.

N. Whether the length of time for which the special land use permit is granted should be limited in duration.

Staff does not recommend any limits on the length of time of the special land use permit (if granted), so long as the applicant maintains all state and local licensing requirements.

O. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

The applicant proposes no changes to the existing building size, mass, and scale.

P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

There are no known historic buildings, sites, districts or archaeological resources on the subject properties. Therefore, no adverse effects are anticipated.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

The following supplemental use regulations are applicable: Sec. 4.2.19. Child day care facility (up to 6 children). The applicant's letter of intent states that they will comply with the standards for child day care facility in Section 4.2.19.

There are additional criteria that must be considered when home-based occupations are proposed, as enumerated below:

Each child day care facility and child day care center shall be subject to the following requirements. A child day care facility or center may also be a kindergarten or preschool.

- A. Each child day care facility and child day care center shall comply with all applicable state day care requirements for standards, licensing and inspection. A City of Tucker business license is required.**

The applicant has been previously licensed with the State of Georgia (Bright from the Start). The applicant is also "Nationally Quality Rated" for childcare. The State requires local approval in order to license in the City of Tucker. If the SLUP is approved, the applicant will be required to complete the business tax license process with the City of Tucker.

- B. Prior to the issuance of a business license for a child day care facility or child day care center, the necessary licensing from the State of Georgia shall be obtained, including compliance with all requirements related to minimum area for classrooms, play areas, and fencing. Each child day care facility and child day care center shall provide off-street parking spaces as required by the applicable zoning district. Each child day care center shall provide an adequate turnaround on the site.**

The applicant has been previously licensed with the State of Georgia (Bright from the Start) and is inspected quarterly by the licensing branch of the State of Georgia. All parking is in the driveway and adequate for drop off. There are driveway turn-around stub-outs for patrons after dropping off the children.

- C. The exterior appearance of any child day care facility located in a residential district shall be maintained as a residential structure, and no signs other than those otherwise authorized within the applicable zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises).**

The proposed child day care facility shall be mostly indoors. However, there is an outdoor play area that should be screened. The applicant has stated that they do not intend to use any signage.

- D. No child day care facility shall be located within one thousand (1,000) feet of another child day care facility.**

There closest existing child day care facility is Clarain Place Child Care located over 2,000 feet away at 2115 Idlewood Road.

- E. See also additional approval criteria in Article 7, Administration.**

Article 7.4.7 Additional criteria for specified uses

C. Child day care facility. In determining whether to authorize a special land use Permit for a child day care facility, the mayor and city council shall also consider each of the following criteria:

- 1. Whether there is adequate off-street parking for all staff members and for visitors to the child day care facility.**

There is adequate off-street parking in the driveway for ± 3 vehicles in the stub-outs, and ± 2 vehicles in the 100-foot driveway straightaway. According to the applicant there is adequate space for 2 personal vehicles to park in the 2-car garage.

- 2. Whether the proposed off-street parking areas and the proposed outdoor play areas can be adequately screened from adjoining properties so as not to adversely impact any adjoining land use.**

Currently, the owner of the Childcare Facility owns the adjacent ± 15 -acre farm. To the immediate south, is another ± 16 -acre farm and wooded lot.

- 3. Whether there is an adequate and safe location for the dropping off and picking up of children at the child day care facility.**

The driveway is approximately 90 feet long with two stub-out for vehicles to turn around.

- 4. Whether the character of the exterior of the proposed structure will be compatible with the residential character of the buildings in the zoning district in which the child day care facility is proposed to be located, if proposed for a residential zoned district.**

The exterior appears to be a single-family home. The applicant proposes no exterior revisions to the home.

- R. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.**

The proposed use will not produce an adverse shadow effect. No changes are being proposed to the existing structure.

- S. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.**

There have been no applications for child daycare facilities since the city incorporated.

- T. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.**

Suburban Character Area. The proposal is not in conflict with the intent of the Suburban Character Area. The proposed development may be found to be consistent with the intent of the adopted comprehensive plan.

CONCLUSION

The proposal is for a child day care facility which is an allowable use in the R-75 zoning district with the approval for a Special Land Use Permit and is compatible with surrounding development. The property is over 2,000 feet from the nearest day care facility meeting the supplemental regulation that day care facilities shall be located over one thousand (1,000) feet from another child day care facility. The proposal also meets the criteria for a SLUP; therefore, Staff recommends approval with conditions.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **SLUP-19-0004**.

1. The hours of operation shall be limited to 6:00 a.m. to 7:00 p.m.
2. The children's outdoor play area located in the rear yard must be fenced and in compliance with Article 5, Site Design and Building Form Standards.
3. There shall be no signage for the childcare facility.
4. All state and local licenses shall be clearly displayed and maintained in the facility.

DEPARTMENT COMMENTS

ARBORIST

No new development occurring on the site.

DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT

No comments.

DEKALB COUNTY FIRE MARSHAL OFFICE

No comments.

DEKALB COUNTY SCHOOL SYSTEM

No comments.

LAND DEVELOPMENT

No comments.