

127 W. Solomon Street
Special Use Permit Request
File No. 15-SUP-01

Applicant: Mary Ann Neureiter/ Cambridge House Enrichment Center
Owner: Carpediem Ventures LLC, Allen Marshall



Land Use Classification	Commercial
Current Zoning	Central Business District (CBD)
Proposed Use	Adult Day Care Center
Parcel Size	0.09 +/- acres
Tax Map, Block and Lot No.	013 33028A
Board of Commissioner Member	Ryan McLeMore, District 3
Planning and Zoning Member	David Castile, District 3
Planning and Zoning Board	April 20, 2015 Public Hearing
City Commission	May 12, 2015 Public Hearing
Citizen Notification	Legal Notice was run in the April 3, 2015 edition of the <i>Griffin Daily News</i> for the Planning & Zoning Meeting and for the City Board of Commissioners Public Hearing. Signs were placed on the proposed property illustrating the purpose, date and time of both meetings on April 3, 2015.

Proposal:

The applicant is seeking approval of a Special Use Permit to allow for an Adult Day Care Center to be located at 127 W. Solomon Street. The property is zoned Central Business District (CBD) which requires a special use permit in accordance with Article 7, section 704, Permitted Uses by Zoning District, to allow a daycare to operate at this location.



Zoning Ordinance Sections applicable to this Application:

The following sections of the City of Griffin's Unified Development Code (UDC) apply to the Special Use permit request:

Section 406
Section 713
Section 704

Special Use Permit Provision
Central Business District (CBD)
Permitted Uses for all Zoning Districts

Section 406 Special Uses:

ALL PROPOSED SPECIAL USES FOR PROPERTY SHALL BE EVALUATED IN LIGHT OF THE FOLLOWING STANDARDS:

1. IT MUST NOT BE DETRIMENTAL TO THE USE OR DEVELOPMENT OF THE ADJACENT PROPERTIES, OR TO THE GENERAL NEIGHBORHOOD SO AS TO ADVERSELY AFFECT THE HEALTH, SAFETY OR GENERAL WELFARE OF CITIZENS;

FINDINGS: Upon review and evaluation of the applicant's request, Planning Staff can not find any detrimental impacts on the development of adjacent properties. However, the number of clients served by the facility should be regulated to lessen any potential issues regarding the health, safety and welfare of citizens, both those using the facility and the public in general. Building and life safety codes govern how many people are allowed to occupy the building; these requirements must be adhered to for the health, safety and welfare of the clients and the community. According to the Spalding County Tax Assessor's records, the proposed location consists of approximately 3404 square feet. The applicant will only utilize the downstairs portion of the building, which totals 1500 square feet. The building has its own parking lot in the rear and will utilize the back entrance for clients access to the building; it should not interfere with available parking on Solomon Street.

2. IT MUST NOT ADVERSELY AFFECT EXISTING PROPERTY AND USES AND IT MUST BE PROPOSED TO BE PLACED ON A LOT OF SUFFICIENT SIZE TO SATISFY THE SPACE REQUIREMENTS FOR THE USE;

FINDINGS: Staff does not find that granting the special use permit for this location will adversely impact the property itself. However, as part of our ongoing Town Center Livable Cities Initiative (LCI), the core area of the downtown commercial district is designated for shopping and recreation with residential housing located above the ground level retail space. The proposed adult daycare center does not prove to be a compatible use for the area based on the guidelines illustrated in the Town Center LCI Study.

3. GENERAL COMPATIBILITY OF THE PROPOSED SPECIAL USE WITH ADJACENT PROPERTIES AND OTHER LAND USES IN THE GENERAL AREA.

FINDINGS: The proposed special use as an adult daycare is not compatible with adjacent properties and other future land uses in the area. The properties in the core downtown area (Hill Street from Taylor to Broad and Solomon Street from 8th Street to 6th Street) are zoned Central Business District (CBD) and are currently utilized as retail space, restaurants, taverns and professional offices. Planning Staff is evaluating an Entertainment overlay district for this block of W. Solomon Street; however, staff understands that the adult daycare will not operate at night or early evening hours, which should minimize conflict with other land uses that would normally be expected to operate during these hours.

4. THE PROPOSED USE WILL NOT CONSTITUTE A NUISANCE OR HAZARD OR OTHERWISE ADVERSELY AFFECT THE PUBLIC INTEREST BECAUSE OF THE NUMBER OF PERSONS WHO MAY NORMALLY BE EXPECTED TO USE SUCH FACILITY OR TYPE OF PHYSICAL ACTIVITY.

FINDINGS: An adult day care is a lawful land use and Georgia law requires we cannot anticipate a lawful use will operate so as to constitute a nuisance. The number of occupants shall be regulated by the building and life safety codes that govern how many people are allowed within a building based on the square footage of the building; thus determining a maximum occupancy for the building.

5. OTHER ITEMS THAT MAY BE CONSIDERED INCLUDE TRAFFIC FLOW, AVAILABILITY OF OFF-STREET PARKING, PROTECTIVE SCREENING, HOURS AND MANNER OF OPERATION OF THE PROPOSED USE, OUTDOOR LIGHTING, SIGNAGE AND INGRESS AND EGRESS TO THE PROPERTY.

FINDINGS: As stated above, the applicant proposes to utilize the parking in the rear of the building and to use the rear entrance to drop off and pick up clients. ***Section 807 of the Unified Development Code states that a day care center requires one parking space per 500 square feet of space plus safe and convenient loading and unloading of students (clients in the case of the proposed adult day care).*** Based on the 1500 square feet of space at this location, the proposed adult daycare center would require three (3) regular parking spaces and one (1) handicap parking space for a total of four (4) spaces, which the rear lot amply provides.

6. THE APPLICANT MUST MEET ALL SPECIFIC REQUIREMENTS ESTABLISHED IN THIS ORDINANCE FOR THE PARTICULARIZED SPECIAL USE REQUESTED.

FINDINGS: The applicant's request for a special use meets the requirements listed under the special use provision of the CBD Zoning District.

Planning Staff's Comments:

Planning Staff has reviewed the applicant's request for a Special Use Permit to allow an adult daycare center located at 127 W. Solomon Street. The property is zoned CBD, which permits licensed day care centers, nurseries, adult daycare and private schools as special uses with approval from the Board of Commissioners (BOC).

The proposed adult daycare center does not prove to be a compatible use for the downtown area based on the guidelines illustrated in the Town Center LCI Study and the proposed Entertainment Overlay. However, staff recommends caution in denying the requested permit for this reason given the number of vacant and underutilized buildings in the area, that were originally intended for retail use.

Planning Staff's Recommendation:

Albeit, the use could potentially be **DENIED** as incompatible with the future land uses intended for this area. Because the property is zoned CBD, which permits licensed day care centers, nurseries, adult daycare and private schools as special uses with approval from the Board of Commissioners (BOC); Planning Staff recommends **APPROVAL**.

Planning & Zoning Board Recommendation:

The Planning & Zoning Board recommended approval of the special use permit for an adult daycare center to operate at 127 W. Solomon Street, submitted by Mary Ann Neureiter/ Cambridge House Enrichment Center.

Submitted by:

Toussaint M. Kirk, MURP, Director
Planning and Development Services