



GLPC AGENDA ITEM # 4

MARCH 28, 2022

Conditional Use Request by Danielle Chappell File #: CU-2022-03

Ms. Danielle Chappell is requesting a Conditional Use Permit (CUP) for a proposed Daycare Center expansion in a conditional C-N(c) zoning district. The subject property consists of 1.03 acres located at 2408 Bemiss Road, which is along the west side of the road about half way between the intersections of Habersham Road and Randolph Street. The property is currently developed as the “Brilliant Minds Academy” daycare center (2,484-sf) which is approved and licensed as a Group Daycare Center with up to 18 children. The applicant is proposing to expand this capacity to 34 children, with the knowledge that the State has approved the facility for up to 36 children. The CUP is required in C-N zoning for Daycare Centers having 19 or more children. [The special zoning condition on the property dates back to when the property was rezoned to C-N in early 2005, and is inconsequential to this CUP request. The condition states that all non-residential lighting be directed downward and away from surrounding residential properties (file # VA-2005-01). This zoning condition will remain applicable to this property, regardless of any non-residential use thereon, and will be monitored through the Plan Review process.]

The subject property is located within a **Neighborhood Activity Center (NAC)** Character Area on the Future Development Map of the Comprehensive Plan.

The subject property is part of the “low intensity” stretch of the Bemiss Road corridor between the more intensive commercial nodes of the Castle Park shopping center and the Northside Drive intersection areas. This portion of the corridor is characterized by mostly professional offices and multi-family development, and is reflected on the maps by the NAC Character Area. Most all of the properties in the portion of the corridor are zoned R-P, which allows both the professional offices and high-density residential uses. Only this property has commercial zoning, albeit “conditional” C-N(c) zoning. This gives the property an advantage by allowing some range of lower intensity commercial uses, but also allows the “commercial size” of a Daycare Center (19+ children) with a CUP approval – whereas the surrounding R-P zoning does not.

However, in considering the overall nature and history of the Bemiss Road corridor, a Commercial-sized daycare facility in this location makes good sense, as long as the size does not become so great that it has a negative impact on the adjacent neighborhood to the west, nor overloads the existing site in terms of vehicle stacking for drop-off/pick-up of the children. So far, the site is able to handle the existing size of 18 children as a “Group” daycare. Expansion to the maximum capacity of the existing building (39 children) should also be OK, but expansion beyond this number should be re-evaluated under its own CUP process at that time.

Staff Recommendation: Find consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommend approval to the City Council, subject to the following conditions:

- (1) Approval shall be granted for a Commercial Daycare Facility in C-N zoning for a size not to exceed 39 children as a maximum licensed capacity.
- (2) Existing opaque fencing and landscaped buffer yards shall be maintained per LDR requirements along the abutting property lines.
- (4) Conditional Use approval shall expire after 2 years from the date of approval if the Daycare Facility licenses have not been updated to reflect the increased capacity by that date.