



## Planning Commission Staff Report May 2023

The Planning Commission will meet on May 9, 2023. The following staff report has been prepared for an amended application that was received by the Planning and Zoning Division of the Community and Economic Development Department. *This item appeared at the public hearing of April 11, 2023 and was deferred until the May 9, 2023 meeting. Revised plans were received from the Applicant.*

**Applicant:** Smarties Academy c/o MerVic Group/Bogumila Kabat

**Property Address:** 465 Clairemont Avenue

**Parcel ID:** 18 006 03 105

**Present Land Use Category:** I – Institutional

**Present Zoning District:** I – Institutional  
Clairemont Avenue Historic District (Overlay District)

1. The subject property is an approximate 2.55 acre parcel (111,078 SF) currently owned by MerVic Group. The applicant, Smarties Academy, currently owns and operates a day care and early childhood education center from the existing 13,700 SF building for up to 148 children. Abutting properties to the north and west are zoned R-60 – Single Family Residential. Properties to the south and east are zoned RM-43 – Multiple Family Residential.
2. The subject property was approved for a change in land use designation from RL – Low Density Residential to I – Institutional, per Ordinance O-22-Z-04; was approved for a change in zoning district from R-60 – Single Family Residential to I – Institutional, per Ordinance O-22-Z-05; and was granted a conditional use permit with conditions, per Ordinance O-22-Z-06, each having been approved on March 21, 2022.
3. **Conditional Use Permit.** Per the Allowed Use Table in Section 6.2. of the UDO, day cares are allowed within the I – Institutional district with a conditional use permit. The conditional use permit that was granted allowed the current day care use, with the

condition that no more than 148 students be enrolled at the day care. A second condition required that an ingress-egress plan be provided to the City.

4. **Amendments to Conditional Use Permit.** Once approved, no major amendments to a conditional use permit can be authorized unless such amendments have been applied for and approved in accordance with all procedural requirements of Section 11.2.3. Major amendments are those that impact adjoining or nearby property in any manner other than incidentally, and shall include but not be limited to the following: 1. Changes to another use; 2. Increase in density or intensity; 3. Enlarging, expanding or increasing the size or intensity of the approved use; 4. Increase in the requirements for off-street parking spaces; 5. Substantial change to the exterior appearance of buildings that is visible from any public right-of-way; or 6. The addition of outdoor equipment and machinery.

The proposed applications appear to effect nos. 2, 3, 4, and 5 of the above list. The applicant has filed an application to amend the conditional use permit to allow an increase in the day care/pre-school enrollment from 148 to 300 students, construct a new 16,500 SF building addition, increase impervious surfaces by 23,000 SF, and increase off-street parking from 47 spaces to 67 spaces.

5. **Comprehensive Site Development Plan.** At the time of the rezoning to I – Institutional zoning district a comprehensive site development plan of 465 Clairemont Avenue was required to be adopted. It is commonplace that properties which are already developed and that are considered for rezoning to institutional use their existing site plan as the comprehensive site development plan. The comprehensive site development plan becomes the regulations governing the development of the institutional zoning district upon establishment of the district, along with the other applicable provisions of the UDO.
6. **Amendments to the Comprehensive Site Development Plan.** Amendments must be made by following the same procedure, which is consideration by the Planning Commission and approval by the City Commission. Any changes proposed in the development or use of the property must be clearly indicated on a comprehensive site development plan.

*Proposed Building Addition.* The applicant submitted an amended comprehensive site development plan. The proposed addition has been relocated from the rear of the historic chapel to the rear of the classroom building. The proposed addition would

have a rear yard setback of 50 ft.-5 in., a setback of 129 ft.-7 in. from Erie Avenue, a setback of 73 ft.-3 in. from the property line of 443 Clairemont Avenue, and 30 ft.-2 in. from the property line of 455 Clairemont Avenue. The building height of the proposed addition would be a maximum 40 ft., measured from grade to peak of roof, as visible from Erie Avenue. Due to topography, the building height of the proposed addition would be a maximum of 43 ft.-3 in. at the south corner visible from Clairemont Avenue. The existing classroom building height is 34 ft. For purposes of comparison, the maximum building height of the R-60 zoning district is 35 ft. and the maximum building height of the RM-43 zoning district 45 ft.



*View from Clairemont Avenue of the classroom building and of 455 Clairemont Avenue.*

*Proposed Parking Increase.* Per [Section 7.1.3.](#) of the UDO, nursery school and day care centers require a minimum of two spaces per classroom. The initial plans have indicated that up to 22 classrooms would be provided, which would require 44 parking spaces. The amended plans do not indicate total number of classrooms. The property currently provides 47 parking spaces. The initial submittal proposed an increase of 27 additional spaces, or 74 spaces. The reconfiguration as proposed in the amended plans reduce the number of spaces from 74 to 67 spaces. 43 spaces would be provided adjacent to the entrances of Erie Avenue and 26 spaces would be provided in the rear of the property. Based on current knowledge, the site would provide 23 more parking spaces than required.

There are five main concerns with the proposed parking lot reconfiguration.

- First, additional parking would be placed in the front yard adjacent to Erie Avenue. Existing parking may be maintained, but any new parking spaces should be placed behind the building line of the chapel.
- Second, the parking and site design emphasize vehicular access. Dedicated bicycle parking area and amenities should be provided.
- Third, the sanitation dumpster has been placed adjacent to the Erie Avenue entrance; whereby the previous location was internal of the site. The location of the sanitation dumpster should remain internal of the site, enclosed with walls and gate, and in a location minimally visible from the public street.
- Fourth, the additional paving required for more parking spaces impacts tree conservation and stormwater management. According to the tree survey, approx. 15 trees would be removed as a result of the approx. 9,000 SF of surface parking and driveway at the rear of the property.
- Fifth, the parking lot design does not meet City requirements for landscaping, including tree placement every 8 spaces. Pervious pavement for parking spaces and other green infrastructure solutions would help reduce runoff. Questions remain from City staff about how stormwater from the entire site will be routed to what appears to be the one underground system in the back parking lot.



*Aerial view of subject property at 465 Clairemont Avenue. Source: Esri, circa 2018.*

*Multi-Modal Transportation Study.* Traffic impacts were evaluated by A&R Engineering, Inc. for the planned expansion of Smarties Academy to increase the capacity of the Day Care Center from 148 students to 300 in the future. The analysis included the evaluation of Future operations for “No-Build” and “Build” conditions, both of which account for increases in the annual growth of through traffic. The results of future traffic operations analysis of the buildout year 2025 indicate that most of the approaches at the unsignalized intersections will operate at a level-of-service “D” or better during the AM, School Dismissal, and PM peak hours. The exception is the southbound approach at Intersection 1 (Erie Avenue), which is projected to operate at a level-of-service “E” in the “Build” scenario AM and PM peak hours. The results of the future 2030 traffic operations analysis indicate that most of the approaches at the unsignalized intersections will operate at a level-of-service “D” or better during the AM, School Dismissal, and PM peak hours. The southbound approach at Intersection 1 (Erie Avenue) is projected to operate at a level-of-service “F” in the “Build” scenario AM and PM peak hours, and the southbound approach at Intersection 3 (Exit-Only Site Driveway) is projected to operate at a level-of-service “F” in the PM peak hour. It is not unusual for minor side streets that are stop sign controlled to experience higher delays due to the time gap required for a vehicle to make a turning movement on a busy multilane roadway. Signal warrants will not be met at any of the study intersections in future “Build” 2030 conditions.

Based on the analysis, the following access configuration was recommended for the proposed site driveway intersections, and are integrated into the amended site plan:

- Full access driveway on Erie Avenue
  - One entering lane and one exiting lane
  - Stop-sign controlled on the driveway approach with Erie Avenue remaining free-flow
  - Provide adequate sight distance per AASHTO standards
- Exit-only driveway on SR 155 (Clairemont Avenue)
  - One exiting lane (no entrance access)
  - Stop-sign controlled on the driveway approach with SR 155 remaining free-flow
  - Provide adequate sight distance per AASHTO standards

7. *Other requirements.* If approved, the project remains subject to current local life safety and fire codes, site development, local soil erosion, drainage, tree preservation, and historic preservation ordinances. The property is located within the Clairemont Avenue Local Historic District. If the requested amendments to the conditional use permit and comprehensive site development plan are approved by the City Commission, the applicant will be required to file an application for a Certificate of Appropriateness and return to the Historic Preservation Commission at a future public hearing for a decision on the architecture, including the roof design, exterior materials, and fenestration.

### **Amending a Comprehensive Site Development Plan**

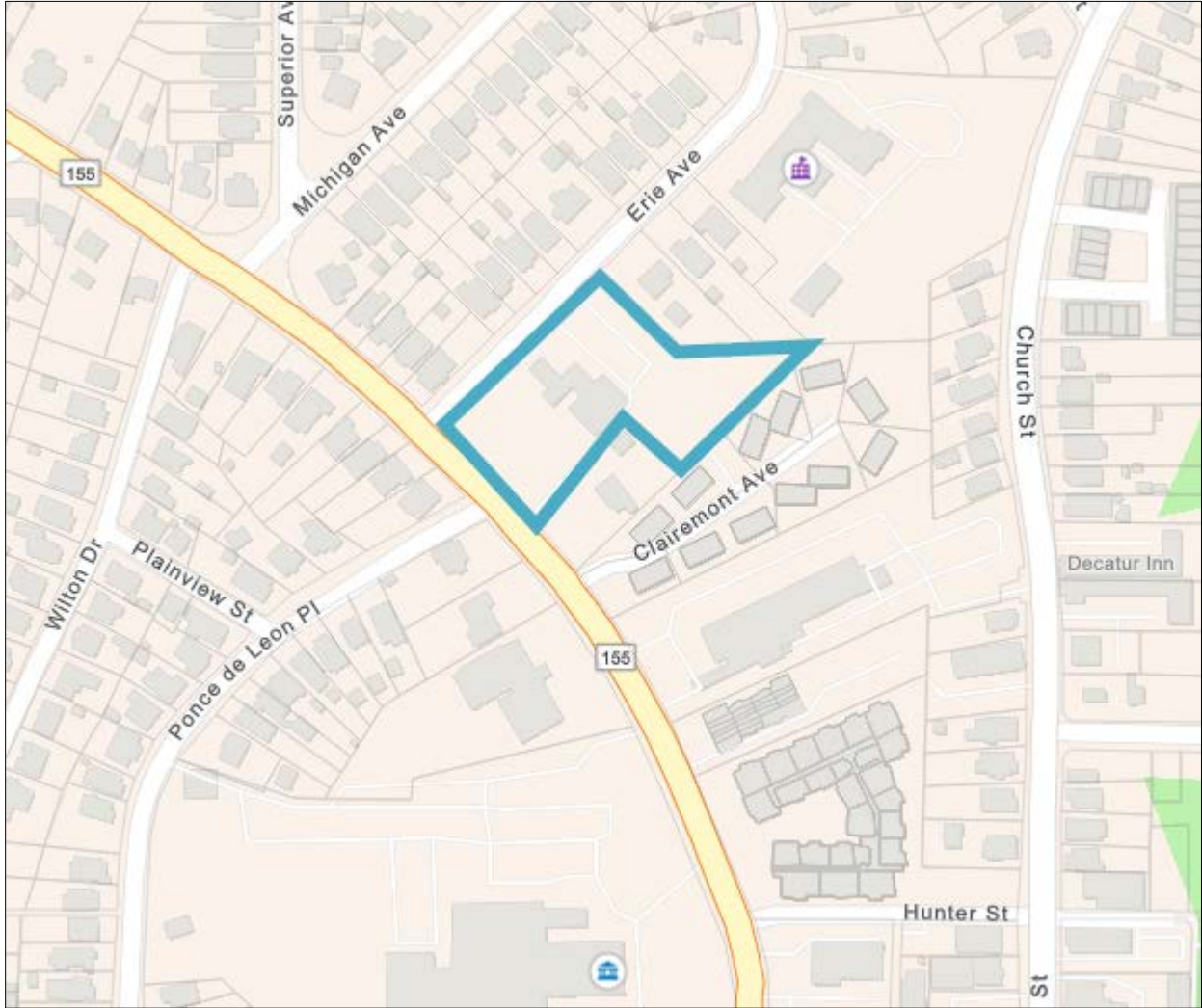
8. Per Section 5.1.2.B. of the UDO, the following standards of Section 11.2.2.F.1. of the UDO, shall be considered when an amendment to the comprehensive site development plan is requested:
- a. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?
  - b. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
  - c. Does the property to be affected by the zoning proposal have a reasonable economic use as currently zoned?
  - d. Does the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?
  - e. Does the zoning proposal conform with the policy and intent of the Comprehensive Land Use Plan?
  - f. Are there other existing or changing conditions affecting the use and development of the property which, because of their impact on the public health, safety, morality and general welfare of the community, give supporting grounds for either approval or disapproval of the zoning proposal?

### **Amending a Conditional Use Permit**

9. Per Section 11.2.3.J. of the UDO, the following standards of Section 11.2.3.G. shall be considered when an amendment to a conditional use permit is requested:
- 1) Whether the proposed use is suitable in view of the use and development of adjacent and nearby property.
  - 2) Whether the proposed use is consistent with the requirements of the zoning district in which the use is proposed to be located.

- 3) Whether the proposed use adversely affects the existing use or usability of adjacent or nearby property.
- 4) Whether the proposed use results in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or other public facilities.
- 5) Whether there is adequate ingress and egress to the subject property, including evaluation of the traffic impact of the proposed use relative to street capacity and safety of public streets and nearby pedestrian uses.
- 6) Whether there are other existing or changing conditions which, because of their impact on the public health, safety, morality and general welfare of the community, give supporting grounds for either approval or disapproval of the proposed use.

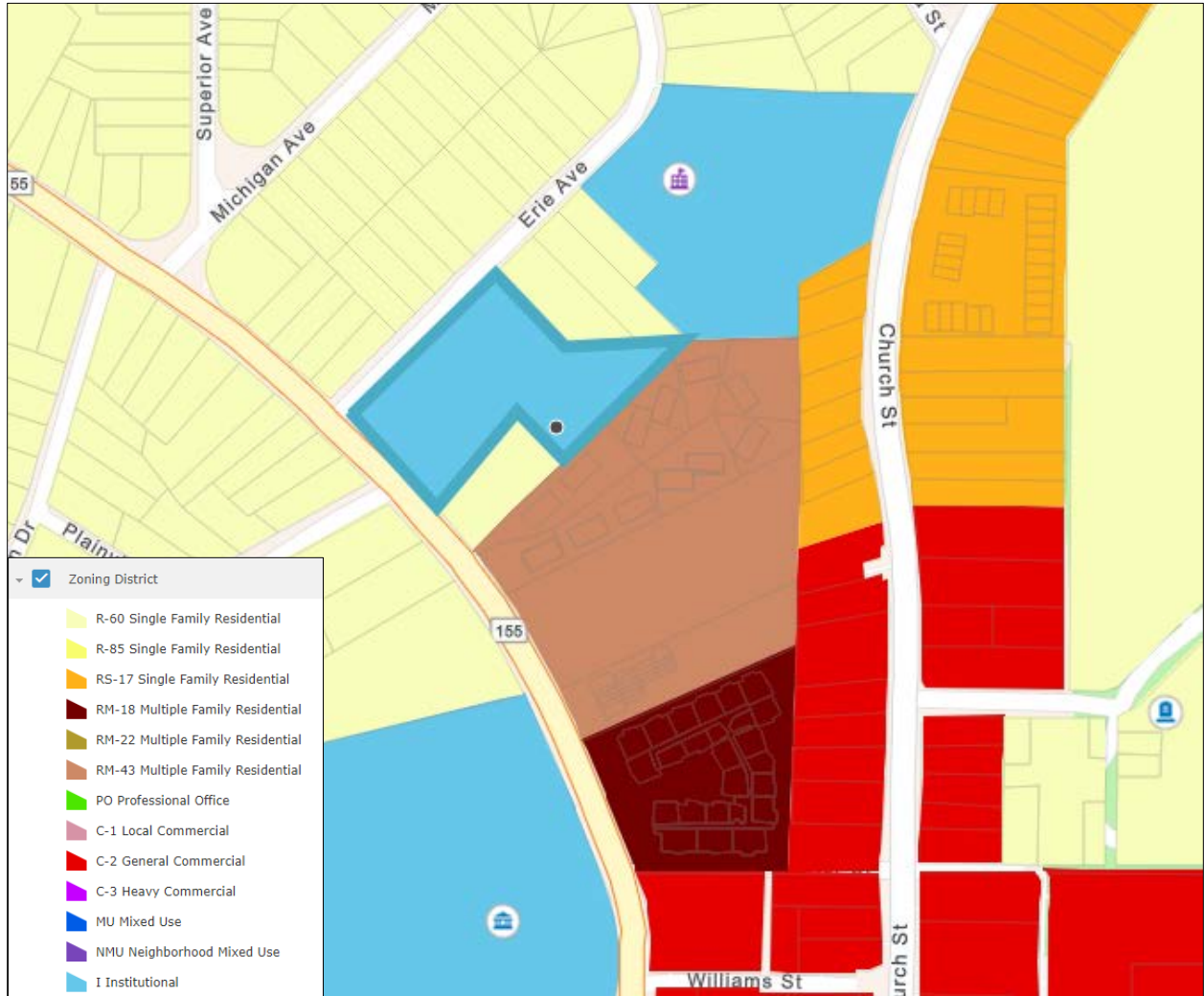
**Exhibit A**  
**Location Map**



Source: City of Decatur OneMap



### Exhibit B Zoning Map



Source: City of Decatur OneMap