



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 300

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov

Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: Tuesday, January 9, 2018, 6:30 P.M.
Board of Commissioners Hearing Date: Tuesday, January 23, 2018, 6:30 P.M.

STAFF ANALYSIS

Case No.: SLUP-18-21936 **Agenda #:** N.10

Location/Address: 7157 Waters Edge Drive, Stone Mountain, Georgia **Commission District:** 4 **Super District:** 7

Parcel ID: 18-030-02-028

Request: For a Special Land Use Permit for an-in home child day care facility for up to six (6) children in an RSM (Small Lot Residential Mix) District, in accordance with Section 27-4.1 (4.2.19) of the DeKalb County Code.

Property Owner: Doreen Jordan

Applicant/Agent: Doreen Jordan

Acreage: .28 Acres

Existing Land Use: Single-Family Residence

Surrounding Properties: Single-family detached residences

Adjacent & Surrounding Zoning: North, West, South and East: R-SM (Residential Small Lot Mix)

Comprehensive Plan: Suburban (SUB) **Consistent X:**

Proposed Building Square Feet: None	Existing Building Square Feet: 2,107 Square Feet
Proposed Lot Coverage: N/A	Existing Lot Coverage: 32%

SUBJECT SITE & SURROUNDING LAND USES:

The subject site, zoned RSM (Small Lot Residential Mix) District, is located on the south side of Waters Edge Drive (a local street), approximately 900 feet east of North Deshon Road in Stone Mountain, Georgia in unincorporated DeKalb County. Located at 7157 Waters Edge Drive on .28 acres, the property is developed with a two-story single-family brick and frame detached residence consisting of approximately 2,107 square feet. Access to the site is via a single curb cut from Waters Edge Drive. The topography of the property is relatively flat with a well-manicured lawn. While there is currently no fence on the property, the applicant will be required to install a fence to comply with State Bright from the Start requirements for outdoor play areas prior to the issuance of a certificate of occupancy and business license. The property frontage is improved with curb and gutter and a sidewalk. Surrounding and adjacent properties include detached single-family residences in the RSM zoning district.

PROJECT ANALYSIS:

The applicant is requesting a Special Land Use Permit to operate a child day care facility in the existing single family residence within an RSM (Residential Small Lot Mix) zoning district. The in-home child day care facility would have a total of six (6) children. The proposed hours of operation are 6:30 a.m. – 6:30 p.m., Monday through Friday. The applicant does not intend to make any changes to the exterior of the house nor install any signs on the property. If this petition is approved, the applicant must complete all required steps for obtaining a certificate of occupancy and business license from DeKalb County.

SUPPLEMENTAL REGULATIONS:

Pursuant to Chapter 27-Article 4.2.19 of the DeKalb County Code, each child day care facility up to 6 six children shall be subject to the following requirements.

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

The applicant must submit a building permit application to DeKalb County for review and inspection in order to obtain a Certificate of Occupancy (CO) to use the residence as a child day care facility. An approved CO and documentation from the state is required when requesting a business license from DeKalb County.

- B. Prior to the issuance of a business license for a child day care facility 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 shall provide off-street parking spaces as required by the applicable zoning district.**

The submitted site-survey depicts off-street parking availability via the applicant's driveway for the existing single-family residence.

- 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).**

There will be no changes in the exterior appearance of the single-family residence for the child day care facility.

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

There are no known licensed child day care facilities within 1,000 feet of the single-family residence.

SPECIAL LAND USE CRITERIA

Pursuant to Chapter 27-Article 7.4.6 of the DeKalb County Code, the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.

- 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 2,107 square foot residence on .28 acres is adequate for operation of a child care facility for up to six children. Off-street parking can be accommodated within the existing driveway.

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

The proposed child care facility for not more than six children in the existing single family residence is compatible with the surrounding neighborhood. The exterior of the existing single-family residence is not proposed for alterations, therefore remaining compatible with surrounding single-family residences.

- C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:**

Given that the site is within an established residential neighborhood, it appears that there are adequate public services, public facilities and utilities to serve the proposed child care facility in the existing residential structure.

- 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 proposed use, so as not to unduly increase traffic or create congestion in the area:**

Waters Edge Drive is an existing local street. Planning Staff anticipates little or no impact on public streets or traffic in the area for the limited enrollment of six children.

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

The character of vehicles accessing the site may be the same vehicles accessing adjacent and surrounding residences in the area. There should be no significant increase in the daily volume of traffic given that the proposed child care will be limited to six (6) children.

- F. 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:**

Ingress and egress to the subject property via the existing driveway appears to be adequate. Pedestrian access to the home can be safely provided by the walkway that leads from the driveway to the front door, and from the brick walk that leads from the sidewalk along Waters Edge Drive to the front door. Emergency vehicles can access the site from the existing driveway.

- G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:**

It appears that the proposed use should not create adverse impacts upon adjoining land uses due to smoke, odor, dust or vibration. The site must comply with the DeKalb County Noise Ordinance.

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

Per the information submitted with the application, the hours of operation are Monday - Friday (6:30a.m.- 6:30p.m). The operating hours should not create adverse impacts upon any adjoining land uses.

- I. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use:**
- The manner of operation should not impact adjoining single-family land uses. Except for periods of outdoor play, all activities will occur within the structure on the property.
- J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:**
- The proposed child care facility within the existing residential structure is consistent with the requirements of the RSM (Residential Small Lot Mix) District . In-home child care facilities are allowed in the RSM District with an approved Special Land Use Permit.
- K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:**
- Located within a Suburban Character Area land use designation, the proposed child day care facility is consistent with the following 2005-2025 Comprehensive Plan Strategy: Create neighborhood focal points by locating schools, community centers, or well-designed small commercial centers at suitable locations within walking distance of residences (SCAS18); and Focus educational programs to meet the needs of all students (PS8); Encourage the development of social programs that will serve all ages (PS11).
- L. Whether or not the proposed plan provides for all buffers and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located:**
- No transitional buffers are required.
- M. Whether or not there is adequate provision of refuse and service areas:**
- Adequate refuse and service areas will be provided.
- N. Whether the length of time for which the special land use permit is granted should be limited in duration:**
- There does not appear to be any compelling reasons for limiting the duration of the requested Special Land Use Permit. The proposed in-home child day care facility is an on-going business and should not be limited in duration.
- 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 existing single-family residence on the subject site is appropriate in relation to size and scale of adjacent and nearby residences in the area. The applicant has no plans for building expansion.
- P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:**
- Based on the submitted site plan and information, it does not appear that the proposed plan would adversely affect historic buildings, sites, districts, or archaeological resources.
- Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit:**
- Supplemental regulations require State approval documentation, compliance to zoning district regulations, distance requirements from other child care facilities and no changes in exterior appearance of residence. Based on information from the submitted application (site survey & impact analysis), the proposed use should satisfy supplemental regulations.

R. Whether or not the proposed building as a result of its proposed height , would create a negative shadow impact on any adjoining lot or building:

The existing two-story residence is compatible with other residences in the area. It does not appear that the proposed child care facility would create a negative shadow impact on any adjoining lot or building.

S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area:

There are no known similar uses or services in the subject character area.

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

The proposed use does not conflict with overall objectives of the comprehensive plan which is to offer a variety of services for residents in unincorporated DeKalb County.

COMPLIANCE WITH R-100 (RESIDENTIAL MEDIUM LOT) DISTRICT STANDARDS PER ARTICLE 27-TABLE 2.2

STANDARD		REQUIREMENT	EXISTING	COMPLIANCE
LOT WIDTH		50 Feet	125 Feet	Yes
LOT AREA		Min. 5,000 Square Feet	12,209 Square Feet	Yes.
YARD SETBACKS	FRONT	10 Feet	36 Feet	Yes
	INTERIOR SIDE YARD	3 Feet	11 Feet	Yes
	REAR	20 Feet	48 Feet	Yes
HEIGHT		35 Feet	Not Available	Unknown
PARKING Article 6 (Detached Single-Family)		Min. 2 spaces Max. 4 spaces activity	Existing driveway can accommodate 4 parking spaces	Yes

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

Based on the submitted information, it appears that the application meets the criteria of the zoning ordinance for a Special Land Use Permit for a child day care facility for up to six children in an existing single family residential structure. The proposed child day care facility is not expected to have a negative impact on the surrounding neighborhood, due to the proposed hours of operation (6:30 AM to 6:30 PM, Monday through Friday), and the relatively small number of children. There would be no changes to the exterior of the house in which the day care facility would be operating, so that the existing residential character of the property would remain unchanged. The existing drive can accommodate parking for four (4) vehicles. Adequate indoor and outdoor play areas with fencing will be provided in accordance with County and State Codes. Located within a Suburban Character area designated by the 2005-2025 Comprehensive Land Use Plan Map, the proposed use is consistent with the following plan strategies: Create neighborhood focal points by locating schools, community centers, or well-designed small commercial centers at suitable locations within walking distance of residences (SCAS18); and Focus educational programs to meet the needs of all students (PS8); Encourage the development of social programs that will serve all ages (PS11). The applicable requirements of the R-SM (Residential Small Lot Mix) District have been met. To promote the successful operation of the facility, the Department of Planning and Sustainability recommends that the facility be operated in a manner that would improve compatibility with the surrounding single-family area. The Department of Planning and Sustainability recommends "APPROVAL CONDITIONAL" with the following recommended conditions.

1. The child care facility shall be limited to a maximum number of six children between the hours of 6:30 A.M. to 6:30 P.M., Monday through Friday.
2. Refuse containers shall not be visible from the street except during pick-up.
3. No evidence of a child day care facility shall be located in the front of the property. No identification sign for the child day care facility shall be posted on the property.
4. Provide and maintain a minimum 6-foot high fenced designated back yard play area for as long as the child day care facility is operated on the subject property prior to the issuance any business licenses.
5. The applicant shall secure the necessary certification by the State of Georgia Bright From The Start program and the necessary building permit and certificate of occupancy from DeKalb County before obtaining a business license.
6. The Special Land Use Permit shall be issued to Doreen Jordan for operation of a child day care facility and shall not be transferrable.

Attachments:

1. Department and Division Comments
2. Application
3. Site Plan
4. Zoning Map
5. Aerial Photograph
6. Site Photographs

NEXT STEPS

Following an approval of this application, one or several of the following may be required:

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✓ **Certificate of Occupancy** *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance or Special Exception** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- ✓ **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.

October 5th, 2017

Letter of Application

To all that it may concern:

I am requesting a Special Land Use Permit for the purpose of having a Family Day Care in my home. Currently I live in the house and use it for residential purposes only. The floor area that I will be using is approximately 300 sq. feet.

The hours of operation for the daycare will be between 6:30 and 6:00.

Special Land Use

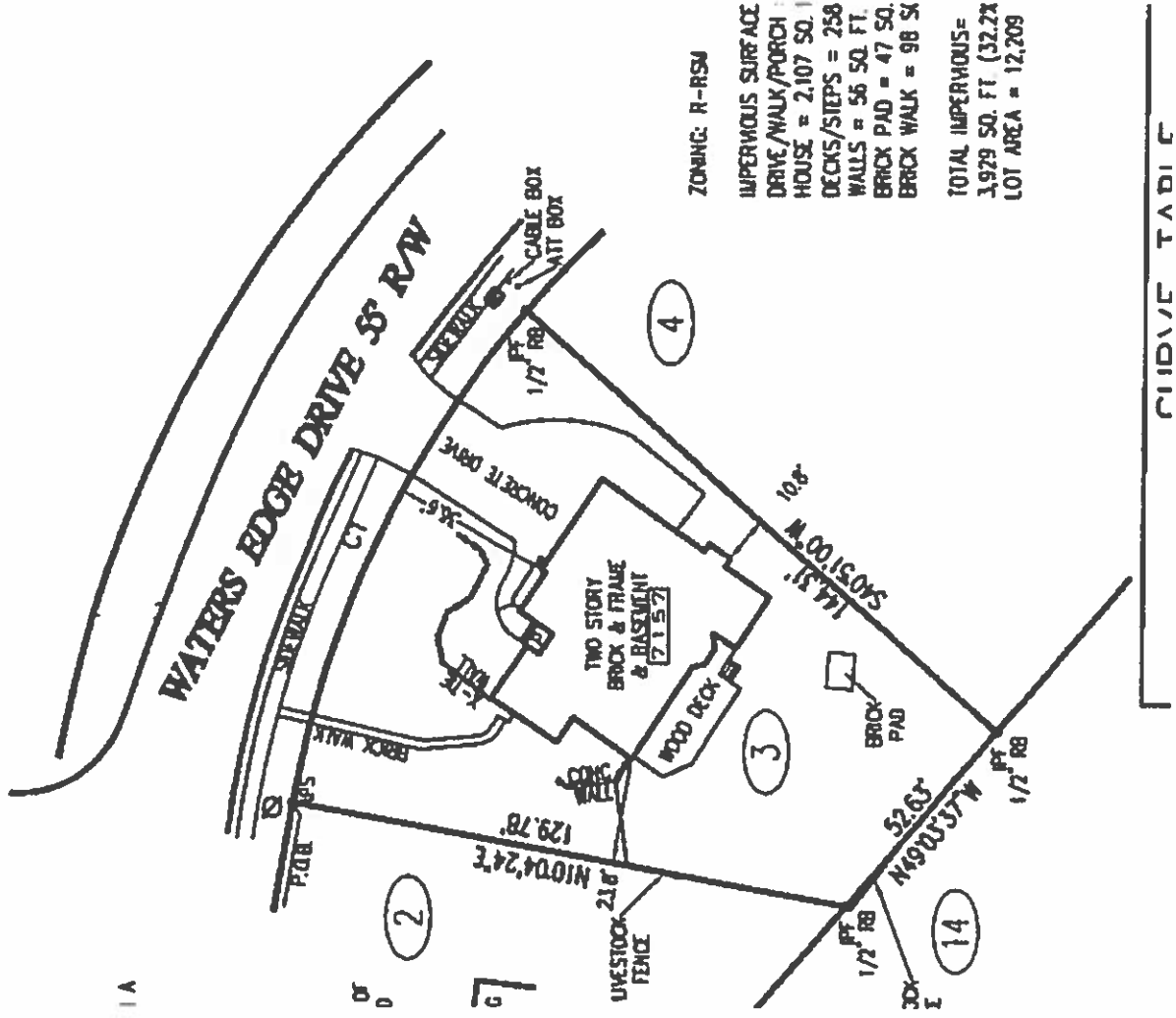
- A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located. *The lot has more than adequate space for a Family Daycare which allows six children.***
- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land use in the district. *The Family Daycare is very compatible with adjacent properties which include various family dynamics.***
- C. Adequacy of public services, public facilities, and utilities to serve the contemplated use: *There are a multitude of public services and public facilities surrounding this location.***
- 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 proposed use, so as not to unduly increase traffic or create congestion in the area: *The traffic from the daycare will be minimal and will not increase traffic or cause congestion.***
- E. Whether or not existing land uses located along excess routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use: *The character of the vehicles or volume will not increase. The traffic from the clients of the proposed daycare will only be family passenger vehicles and will not include more than six.***
- F. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular references to pedestrian and automotive safety and convenience, traffic-flow and control, and access in the event of fire or other emergency: *The street is wide and there is adequate access to the property should an emergency vehicle be needed. There are also five entrances/exits on the property.***
- 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: *There will be no adverse impacts due to the noise created by six children. The house is a stand-alone home and there is a lot of space between the lots in the subdivision. Some of my adjoining neighbors have children and it is not uncommon to hear children outside playing.***
- H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use: *The hours of operation will be during normal business hours. It should not have any adverse impact on adjoining land.***
- I. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use: *There is no reason that would cause adverse impacts upon any adjoining land.***

- J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located: *Since this daycare will be located inside an existing home, it is consistent with the requirements of the zoning district classification.***
- K. Whether or not the proposed use is consistent with the policies of the comprehensive plan. *Yes the proposed use is consistent with the 2025 Dekalb County Comprehensive Plan***
- L. Whether or not the proposed plan provides for all buffers and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located: *I am using my existing property.***
- M. Whether or not there is adequate provision of refuse and service areas: *Refuse will be stored in a Dekalb County Receptacle until weekly trash pickup.***
- N. Whether the length of time for which the special land use permit is granted should be limited in duration: *The daycare will be ongoing and will not need to be limited***
- 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: *I will be using my existing property.***
- P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources: *There are no historical building sites, districts, or archaeological resources.***
- Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit: *Yes, the proposed use does satisfy the requirements contained with the supplemental regulations.***
- R. Whether or not the proposed building as a result of its proposed height, would create a negative shadow impact on any adjoining lot or building: *No, I am using my existing home.***
- S. Whether the proposed use would result in a disproportional proliferation of that or similar use in the subject character area: *The Family Day Care will not result in a disproportional proliferation.***
- T. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood and would not be in conflict with the overall objectives of the comprehensive plan: *The proposed use would be consistent with the needs of the neighborhood and would not be in conflict with the overall objective of the comprehensive plan.***

N10

SLUP 18 21936

SITE PLAN



N10

SLUP 18 21936

AERIAL



Site Photo

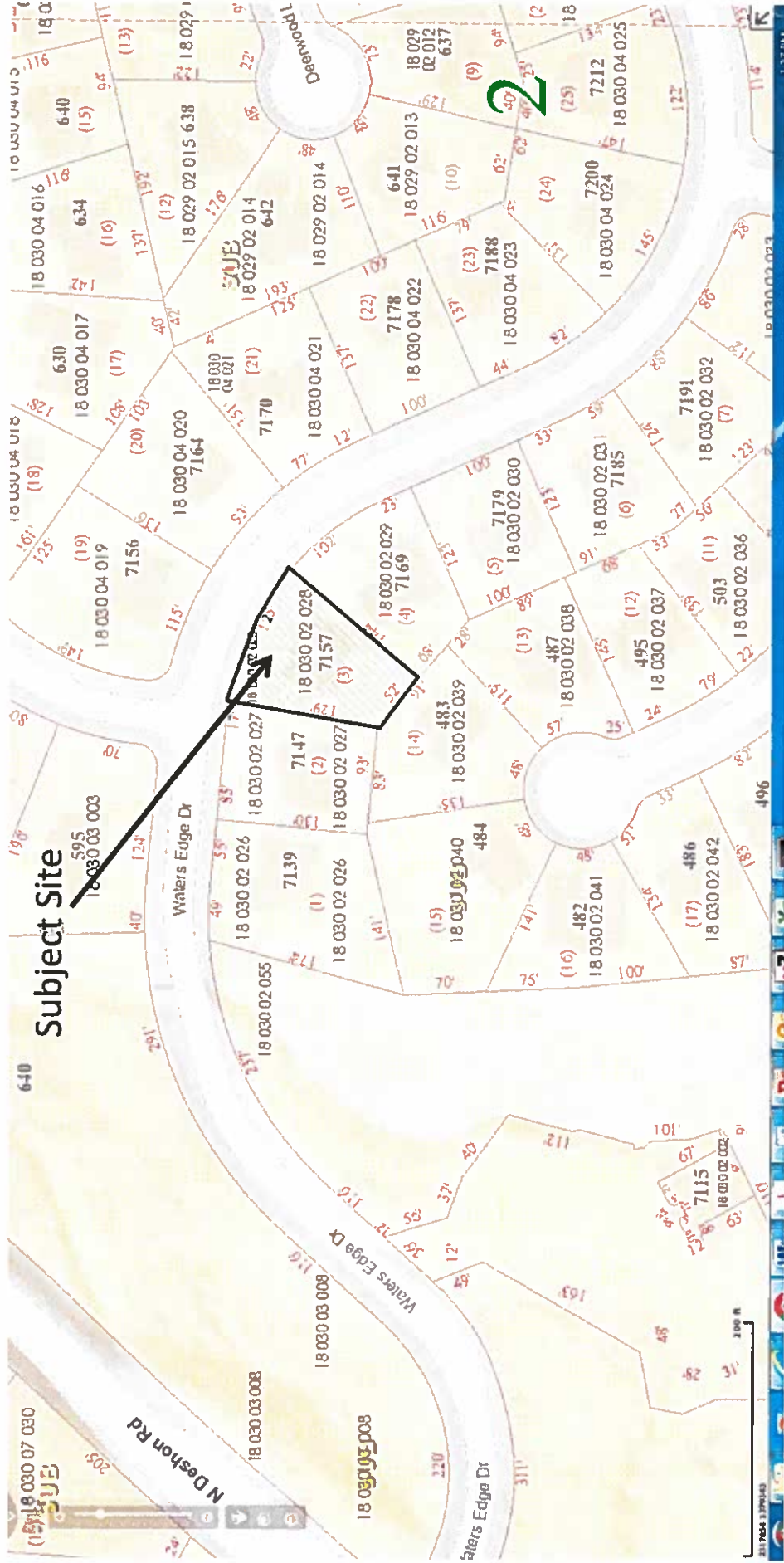
SLUP 18 21936



N10

SLUP 18 21936

LAND USE MAP





DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

CHIEF EXECUTIVE OFFICER
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

DIRECTOR
Andrew A. Baker, AICP

SPECIAL LAND USE PERMIT APPLICATION
NOV 02 2017 Applications will not be accepted after 5 working days after the filing date.

Date Received: _____ Application No.: SWP-18-21936

APPLICANT NAME: Doreen Jordan

Daytime Phone #: 478 570 7357 Fax #: _____

Mailing Address: 7157 Waters Edge Drive

Stone Mountain GA 30087 E-mail: doreen.jordan@bellsouth.net

OWNER NAME: Doreen Jordan

(If more than one owner, attach contact information for each owner)

Daytime Phone #: 478 570 7357 Fax #: _____

Mailing Address: 7157 Waters Edge Drive

Stone Mountain GA 30087 E-mail: doreen.jordan@bellsouth.net

SUBJECT PROPERTY ADDRESS OR LOCATION: 7157 Waters Edge Drive

Stone Mountain, GA 30087, DeKalb County, GA, _____

District(s): 18th Land Lot(s): 030 Block(s): 02 Parcel(s): 18 030 02 028

Acreage or Square Feet: _____ Commission District(s): 4th Existing Zoning: RCD Res Comm Dev D1

Proposed Special Land Use (SLUP): Family Daycare Facility

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Owner: Agent: _____ Signature of Applicant: Doreen Jordan
(Check One)

Printed Name of Applicant: Doreen Jordan

Notary Signature and Seal:

Lonie Taylor 10/6/2017

Lonie Taylor
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Comm. Expires
11/19/2020

Notice Date: Friday, September 22nd, 2017

PUBLIC NOTICE

to

Request for a Special Land Use Permit

Filed by: Doreen Jordan

Located at: 7157 Waters Edge Drive

Stone Mountain, GA 30087

Current Use: Single Family Residence

Proposed Use: In Home Day Care

Hours of Operation: 6:30 to 6:30

Capacity: Not more than six (6) children

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT:

Stone Mountain Library

Location: 952 Leon Street, Stone Mountain, GA 30083

Date & Time: October 18th, 2017 7:00 pm

Contact information:

678 570-7357/doreenjordan@bellsouth.net

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

**PRE-APPLICATION
REZONES, LAND USE AND SPECIAL LAND USE**
(Pre-application required by appointment prior to filing; submit copy at filing)

Property Frontage/Address: 7157 Waters Edge Dr

Parcel I.D.: 18-030-02-008 Acreage: _____

Proposed Development Name: _____ DRI? Yes No

Existing Development/Use: _____

Proposed Use: Day Care Proposed Density/#Units: Not more than 6 children

Existing Zoning: RSM Proposed Zoning: _____

Existing Plan Designation: _____ Consistent Inconsistent

Current Land Use: _____ Proposed Land Use: _____

Proposed Access: Waters Edge

SLUP Request: Day Care Center Art. 27: _____

Contact Person: Doreen Jordan Phone: 478 570 7357
Address: 7157 Waters Edge Drive Stn M GA Email: doreen.jordan@bellsouth.net

- Reviewed Required Submittals/ Schedule/DRI
- Reviewed Zoning Standards/Reference Chapter 14
- Reviewed Site Plan Check list
- Discussed Consistency with Plan and Surrounding Zoning/Uses
- SLUP Requirements/Supplemental Regs
- Process explained to applicant:
- Staff Comments: _____

*Following
SLUP approval,
C.O. Required
and Business
LIC.*

Planner: [Signature]

Date: 9/20/17