



Legislation Details (With Text)

**File #:** 2019-4346    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 9/24/2019    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 11/21/2019    **Final action:**  
**Title:** COMMISSION DISTRICT(S): 3 & 6  
 Application of Cynthia Evans for a Special Land Use Permit (SLUP) to allow for a child day care facility for up to six children in a R-75 (Residential Medium Lot) District, at 1415 Foxhall Lane

**Indexes:**

**Attachments:** 1. Recommended Conditions SLUP 19 1243468, 2. Staff Report N2 Cynthia Evans SLUP 19 1243468

Date	Ver.	Action By	Action	Result
11/21/2019	1	Board of Commissioners - Zoning Meeting		
11/7/2019	1	Planning Commission	approved with conditions per staff recommendation	Pass

**Public Hearing:** YES  NO     **Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S): 3 & 6**  
**Application of Cynthia Evans for a Special Land Use Permit (SLUP) to allow for a child day care facility for up to six children in a R-75 (Residential Medium Lot) District, at 1415 Foxhall Lane**  
**PETITION NO: N2. SLUP-19-1243468**

**PROPOSED USE:** Child Day Care Facility

**LOCATION:** 1415 Foxhall Lane

**PARCEL NO. :** 15-114-08-016

**INFO. CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

**PURPOSE:**

Application of Cynthia Evans for a Special Land Use Permit (SLUP) to allow for a child day care facility for up to six children in a R-75 (Residential Medium Lot) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Section 27-4.2.19 Supplemental Regulations of the DeKalb County Code. The property is located on the south side of Foxhall Lane, approximately 302 feet north of Timms Circle at 1415 Foxhall Lane, Atlanta, GA. The property has approximately 110 feet of frontage along Foxhall Lane and contains 0.26 acre.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** DEFERRAL

**PLANNING COMMISSION:** APPROVAL with CONDITIONS

**PLANNING STAFF: APPROVAL with CONDITIONS**

**STAFF ANALYSIS:** 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 (6:00 AM to 6:00 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 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 2035 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. The Department of Planning and Sustainability recommends “Approval with Staff’s recommended conditions”.

**PLANNING COMMISSION VOTE: Approval 8-0-0.** V. Moore moved, J. Johnson seconded for approval with Staff’s conditions with an amendment to condition #4 that the playground be located on the side of the house instead of the backyard and to add a new condition #7 to place a solid barrier between the kitchen and the playroom.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Deferral 5-0-0.** The Council members present thought that the applicant should prepare the property by installing a solid barrier between the kitchen and play room, and by trimming tree limbs so they won’t fall on the children.