



Legislation Details (With Text)

**File #:** 2019-3529    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Public Hearing  
**File created:** 3/28/2019    **In control:** Board of Commissioners  
**On agenda:** 6/11/2019    **Final action:** 6/11/2019  
**Title:** COMMISSION DISTRICT(S): 3 & 6  
 Application of Erica Stewart for a Special Land Use Permit to operate a 24-hour in-home day care facility for up to six children in an RSM (Small Lot Residential Mix) District, at 2902 Cedar Trace Drive.

**Indexes:**

**Attachments:** 1. 2019 06.11 Item 2019-3529, 2. SLUP 19 1243155 staff report, 3. Recommended Conditions -PC-SLUP 19 1243155, 4. Recommended Conditions -BOC- SLUP 19 1243155, 5. 2019 05.28 Item 2019-3529- Substitute

Date	Ver.	Action By	Action	Result
6/11/2019	1	Board of Commissioners		
5/28/2019	1	Board of Commissioners - Zoning Meeting	deferred substitute	Pass
5/7/2019	1	Planning Commission	approved with conditions per staff recommendation	Pass

Substitute

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

**SUBJECT: Special Land Use Permit - Erica Stewart**

**COMMISSION DISTRICT(S): 3 & 6**

**Application of Erica Stewart for a Special Land Use Permit to operate a 24-hour in-home day care facility for up to six children in an RSM (Small Lot Residential Mix) District, at 2902 Cedar Trace Drive.**

**PETITION NO: N4. SLUP-19-1243155**

**PROPOSED USE:** In-home child day care center.

**LOCATION:** 2902 Cedar Trace Drive, Ellenwood.

**PARCEL NO. :** 15-041-01-152

**INFO. CONTACT:** Marian Eisenberg

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

**PURPOSE:**

Application SLUP-19-1243155 of Erica Stewart for a Special Land Use Permit to operate a 24-hour in-home day care facility for up to six children in an RSM (Small Lot Residential Mix) District, in accordance with Chapter 27, Article 4 of the DeKalb County Code, Table 4.1. The property is located at the southeast side of Cedar Trace Drive, approximately 420 feet south of Cedar Trace Lane, at 2902 Cedar Trace Drive, Doraville. The property has approximately 65 feet of frontage on Cedar Trace Drive and contains 0.38 acre.

**RECOMMENDATION:**

**COMMUNITY COUNCIL: APPROVAL.**

**PLANNING COMMISSION: APPROVAL WITH CONDITIONS.**

**PLANNING STAFF: APPROVAL WITH CONDITIONS.**

**STAFF ANALYSIS:** The proposed child day care facility is consistent with policies of the 2035 DeKalb County Comprehensive Plan that support the provision of convenient child care for working parents. By providing day care within a residential neighborhood setting, the proposed day care facility can enable children to develop a sense of place. In addition, because the size, scale, and appearance of the existing single-family home will be maintained, the proposed use is compatible with Suburban Character Area Policy No. 1 of the Comprehensive Plan, which states: “Protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density.” The proposed use is expected to generate traffic only from passenger vehicles, which would not adversely impact existing land uses along access routes to the site. It is expected that parents will be able to safely drop off and pick up their children because Cedar Trace Drive, a local street that terminates in a cul-de-sac, carries relatively low amounts of traffic. Emergency ingress and egress appear to be sufficient. By providing child care in a day shift and a night shift, the proposal would enable parents who work overnight to obtain child care. Such overnight workers include medical/emergency personnel, fire fighters, police/security personnel, hospitality and entertainment industry workers, resident chaplains and counselors, transportation workers, and night-shift factory workers. The children who are cared for overnight are not expected to cause any unusual impacts on neighboring properties because they would be sleeping during most of the night-time shift. Some noise might be generated when children are playing outside, but there is enough space between the homes to provide a reasonable buffer against noise and activity. Children typically play outdoors in single-family neighborhoods and it is not unusual to see a group of up to six children playing together in the yards of individual homes. Thus, the facility would not introduce activity into the neighborhood that would be unexpected or unreasonable. Therefore, the Department of Planning and Sustainability recommends “Approval, with conditions”.

**PLANNING COMMISSION VOTE: Approval with Conditions, 9-0-0.** V. Moore moved and J. West seconded for approval as recommended and conditioned by Staff, with an added condition that there be no signage.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 11-0-1.** The Community Council Board was satisfied that the applicant is capable and qualified to operate a day care facility. No neighbors spoke in opposition