

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 5 & 7

Application of Halim Najib for a Special Land Use Permit (SLUP) to operate a Child Caring Institution for teenage mothers in an MR-1 (Medium Density Residential-1) District, at 5797 Marbut Road.

PETITION NO: D2. SLUP-20-1244121 2020-1163

PROPOSED USE: Child Caring Institution

LOCATION: 5797 Marbut Road, Lithonia, GA 30358

PARCEL NO. : 16-070-08-039

INFO. CONTACT: Melora Furman, Sr. Planner

PHONE NUMBER: 404-371-2155 ext. 4

PURPOSE:

Application of Halim Najib for a Special Land Use Permit (SLUP) to operate a Child Caring Institution for teenage mothers in an MR-1 (Medium Density Residential-1) District, in accordance with Chapter 27 of the DeKalb County Code, Table 4.1 Use Table. The property is located on the south side of Marbut Road, approximately 655 feet west of Clayton Ridge, at 5797 Marbut Road, Lithonia Georgia. The property has approximately 72 feet of frontage on Marbut Road and contains 0.29 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: (12/7/2020) Withdrawal Without Prejudice. (10/19/2020) Denial.

PLANNING COMMISSION: (1/7/2021) Withdrawal Without Prejudice. (11/5/2020) Full Cycle Deferral.

PLANNING STAFF: 1/7/2021 Withdrawal. 11/5/20 Approval with Conditions.

STAFF ANALYSIS: The applicant has requested withdrawal. Staff concurs with the request and recommends "Withdrawal".

PLANNING COMMISSION VOTE: (1/7/2021) **Withdrawal Without Prejudice 8-0-0.** V. Moore moved, J. West seconded for Withdrawal without Prejudice, as per the Staff Recommendation. (11/5/2020) **Full Cycle Deferral 8-0-0.** E. Patton moved, L. Osler seconded for a "Full Cycle Deferral" due to the applicant not being present.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (12/7/2020) **Withdrawal without Prejudice.** (10/19/2020) **Denial 7-0-0.** Recommendation for denial was due to the abundance of similar personal care facilities in the area.

DeKalb County Department of Planning & Sustainability

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Planning Commission Hearing Date: January 7, 2021

Board of Commissioners Hearing Date: January 28, 2021

STAFF ANALYSIS

Case No.: SLUP-20-1244121 **Agenda #:** D. 2

Location/Address: 5797 Marbut Road, Lithonia, GA **Commission District:** 5 **Super District:** 7

Parcel ID(s): 16-070-08-039

Request: Special Land Use Permit (SLUP) to operate a Child Caring Institution for teenage mothers in an MR-1 (Medium Density Residential-1) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Section 4.2.41 Supplemental Regulations of the DeKalb County Code.

Property Owner(s): Halim Najib

Applicant/Agent: Halim Najib

Acreage: .29 (12,643 square feet)

Existing Land Use: A single-family detached house

Surrounding Properties: To the north and northeast: wooded, undeveloped land (R-100 & RSM); to the east, southeast, south, southwest, and west: single-family residential (MR-1)

Comprehensive Plan: Suburban Consistent Inconsistent

Proposed Units: One	Existing Units: One
Proposed Lot Coverage: no increase proposed	Existing Lot Coverage: (estimate) 20%

SITE AND PROJECT ANALYSIS

The subject property is located on the south side of Marbut Road, a two-lane collector street, in a residential neighborhood located north of Covington Highway and approximately 1,500 feet west of Wellborn Road. Marbut Elementary School is located approximately 1,000 feet from the subject property. A four-foot sidewalk is located on the south side of Marbut Road, and a six feet sidewalk runs along the north side of the road. There are no pedestrian crossings on Marbut Road near the school.

The property is developed with a two-story, 2,137 square foot house, constructed in 2001 with a two-car garage and a fenced back yard. The Special Land Use Permit under consideration is for a group child caring institution for up to five pregnant teenagers, to be called "House of Gaynell". Floor plans submitted with the application show four bedrooms

and two staff offices. The second story “staff office” will be used as a bedroom. Some of the other rooms may be used flexibly, depending on changing needs of the residents. The applicant has stated that residents who have not had babies may share bedrooms. The application states that there will be two employees on duty at all times; however, the applicant later clarified that there will be one live-in caretaker. The application states that the residents will be “expected and encouraged to attend school; however, if they for any reason may not be able to physically attend classes in a school building, they [will] have the opportunity to attend home school at the residence.” A variety of life skills training programs and career preparation classes will be offered.

The house has a two-car garage and a driveway 51 feet long and approximately 17 feet wide. A turnaround pad is connected to the driveway near the garage. The house was constructed below the grade of the street, and the driveway slopes at what appears to be a 45 degree angle. Based on DeKalb County minimum parking space dimensions, the driveway, garage, and enlarged turnaround, as recommended by Staff, could accommodate up to ten compact vehicles (with six parked in the driveway), and seven full size vehicles. The enlarged turnaround will also facilitate egress from the property. Marbut Road has 12-foot travel lanes and 2-foot shoulders with no room for on-street parking without causing blockage of the travel lane.

Compliance with District Standards:

MR-1 STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MIN. LOT AREA		5,000 s.f	12,643 square feet	Yes
MIN. LOT WIDTH		45 feet	72 feet	Yes
MAX. LOT COVERAGE		60%	(Estimate) 20%	Yes
Building Setbacks	FRONT w/ alley	Determined by utility placement, ROW, streetscape	Approximately 30 feet	Yes
	INTERIOR SIDE	3 ft. w/min. 10 ft. separation between buildings.	Approx. 10 ft. setback; more than 10 ft. separation from adjoining buildings	Yes
	REAR W/O ALLEY	20 feet	Approx. 120 feet	Yes
MINIMUM UNIT SIZE		1,200 square feet	2,137 square feet	Yes
PARKING		4 required spaces	10 spaces for compact vehicles; 7 spaces for full-size vehicles.	Yes

Sec. 27-4.2.41 Supplemental Regulations

(d) Child caring institution general requirements.

1. Each child caring institution must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.

Owner Halim Najib is aware that the license is necessary must be posted in plain view.

2. No personal care home may display any exterior signage that violates the sign ordinance in Chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

No exterior signage is proposed.

(e) Child caring institution group four (4) to six (6) children

1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

Ms. Najib submitted floor plans in the SLUP application.

2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in Article 6.

Based on DeKalb County minimum parking space dimensions, the driveway, garage, and enlarged turnaround as recommended by Staff could accommodate up to ten compact vehicles (with six parked in the driveway), and seven full size vehicles.

LAND USE AND ZONING ANALYSIS

Section 27-873 of the DeKalb County Zoning Ordinance, “Special land use permit; criteria to be applied” states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit. No application for a Special Land Use Permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application.

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 12,643 square foot lot provides adequate yard space and meets the requirements of the MR-1 district. The property meets the parking requirement of four spaces; however, it may not have sufficient driveway length or other areas for parking. It is unlikely that each teenage resident would own her own car, but if three teenage residents were to own cars and were to park on the property along with the two staff persons, with full size vehicles or a combination of compact and full size vehicles, more than one visitor car or service provider car would be difficult to park safely on the property. Thus, staff recommends a condition that the turnaround be enlarged to accommodate one additional car.

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 caring institution would be compatible with land uses in the surrounding residential neighborhood. Its purpose is to provide a home for its residents, and as such, it would generate the same level of activity as other residences in a typical neighborhood.

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

The proposed child caring institution would not generate any more of a demand on public services than other residences in the neighborhood. There has been no indication that there are inadequate public services and facilities to serve the facility at the proposed 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 facility is not expected to generate rush-hour traffic. Trips to and from school will be shared with the use of one vehicle. The applicant has stated that transportation will be provided for outings. With this in mind, Marbut Road appears to have adequate carrying capacity for the trips that would be generated by the facility.

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 facility is expected to generate traffic from passenger vehicles, and at relatively low volumes. Existing land uses along access routes to the sites are not expected to be adversely affected.

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:

The property has a curb cut on Marbut Road and a driveway, which provides satisfactory ingress and egress length for the type of passenger vehicles that are expected to typically travel to and from the site. However, the slope of the driveway may present a challenge for reverse egress onto Marbut Road. Emergency vehicles would access the site from the driveway or from the curb. The front door is approximately 57 feet from the curb, and it appears that a fire truck would be able to run a hose to the house without difficulty in the event of a fire.

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:

As a residential use, the proposed child caring institution is not expected to generate adverse levels of noise, smoke, odor, dust or vibration.

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:

As a residential facility, the child caring institution must operate 24 hours, seven days a week. Because of its residential nature, there is no reason to conclude that the hours of operation of the home will create adverse impacts on adjoining land uses.

I. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

The child caring institution is proposed to function as a residence. The outward appearance of the property will be that of a residence. The residents of the home are expected to engage in the same or similar living activities as other people, with the safeguard of guidance from a staff. There is no reason to suppose that the child caring institution will have adverse impacts on the homes on adjoining properties.

J. Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The property satisfies the applicable requirements of the MR-1 zoning district.

K. Whether or not the proposed use is consistent with the policies of the comprehensive plan.

The proposed community child caring institution is consistent with the following policy of the 2035 Comprehensive Plan: "Increase the availability of special needs housing to meet the growing population" (Housing Policy No. 7). The size, scale, and appearance of the existing single-family home will be maintained; thus, the proposed use is compatible with Suburban Character Area Policy No. 1 of the *Comprehensive Plan*: "Protect stable neighborhoods from incompatible development that could alter established single-family

residential development patterns and density.”

- L. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

Transitional buffer zones are not required.

- M. Whether or not there is adequate provision of refuse and service areas.**

The County will collect refuse generated by the child caring institution once a week. This collection schedule should be satisfactory. No service areas will be needed other than the driveway, which would provide parking for the vehicles of electricians, plumbers, or other typical residential service providers. Conditions recommended by staff would increase the availability of parking for service providers.

- N. Whether the length of time for which the special land use permit is granted should be limited in duration:**

In consideration that unanticipated issues might negatively impact adjacent properties, Staff recommends that the duration of the requested Special Land Use Permit be limited to eighteen months.

- 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 child caring institution will be using an existing residential structure, which appears to be adequate for the proposed use.

- P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:**

There are no historic building sites, districts, or archaeological resources in the immediate surrounding area.

- Q. Whether the proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit:**

The proposed use shall satisfy the requirements of 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:**

The child caring institution will be using an existing residential structure, thus no adverse impacts from building height will be created.

- S. 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:**

If conditioned as recommended by staff, the group child caring institution would be: consistent with the needs of the neighborhood and of the community as a whole; compatible with the neighborhood; and consistent with the overall objectives of the *Comprehensive Plan*.

STAFF RECOMMENDATION: WITHDRAWAL.

The applicant has requested withdrawal. Staff concurs with this request and recommends, “Withdrawal.”

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Application

4. Site Plan
5. Zoning Map
6. Land Use Plan Map
7. Aerial Photograph
8. Site Photographs

NEXT STEPS

Following an approval of this zoning action, 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 or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **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** *(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.