

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 03 Super District 07

Application of Martha Liliana Rodriguez for a Special Land Use Permit (SLUP) for a child day care facility to allow up to six (6) children in an existing single-family home in the R-75 (Residential Medium Lot-75) District, at 2167 Newgate Drive.

PETITION NO: N3. SLUP-22-1245771 (2022-1733)

PROPOSED USE: Child daycare, up to six (6) children.

LOCATION: 2167 Newgate Drive, Decatur, Georgia 30035

PARCEL NO. : 15-157-16-132

INFO. CONTACT: John Reid, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Martha Liliana Rodriguez for a Special Land Use Permit (SLUP) for a child day care facility to allow up to six (6) children in an existing single-family home in the R-75 (Residential Medium Lot-75) District. The property is located on the north side of Newgate Drive, approximately 590 feet northwest of Wedgefield Circle, at 2167 Newgate Drive in Decatur, Georgia. The property has 75 feet of frontage along Newgate Drive and contains 0.29 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval with conditions.

PLANNING COMMISSION: Pending.

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 childcare for working parents. By providing day care within a familiar neighborhood setting, they encourage children to develop a sense of place. In-home child day care facilities promote reduction of traffic congestion, consistent with Comprehensive Plan land use policies: they allow parents to drop off and pick up children by using local streets within residential neighborhoods and may thus reduce traffic congestion on major roads during peak commuting hours. The day care facility satisfies the considerations and supplemental regulations for a Special Land Use Permit and is expected to be operated in a manner that would not have an adverse impact on adjoining land uses. Implementation of the conditions recommended by Staff would enable the facility to meet State and County requirements and regulations. Therefore, the Department of Planning and Sustainability recommends “Approval, with the attached conditions”.

PLANNING COMMISSION VOTE: Pending.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval with conditions 6-1-0. CC-3 Board members recommended the following conditions: 1) Operator should hire additional staff person to assist; and, 2) Operator should install a second fence to separate the children from the dog, as proposed.

SLUP-22-1245771 (2022-1733)
Recommended Conditions
July 2022

1. The Special Land Use Permit for a child day care facility for up to six children shall be granted to Martha Rodriguez at 2167 Newgate Drive and shall not be transferrable to another operator or location.
2. The outdoor play area shall be enclosed by minimum four-foot high wood fence.
3. Martha Rodriguez shall obtain a license from the Georgia Bright from The Start Program to operate a child day care facility prior to obtaining a County business license.
4. Martha Rodriguez shall obtain a certificate of occupancy to operate a child day care facility through approval of a “[Commercial Alterations and Repairs] [Residential Alterations and Repairs]” building permit.
5. Martha Rodriguez shall obtain a County business license prior to operating the child day care facility, which license shall be renewed annually.
6. Hours of operation shall be limited to 7:00 am to 6:00 pm, Monday thru Friday.



DeKalb County Department of Planning & Sustainability

178 Sams Street Suite 3600

Decatur, GA 30030

(404) 371-2155 / www.dekalbcountyga.gov/planning

Planning Commission Hearing Date: July 12, 2022, 5:30 P.M.

Board of Commissioners Hearing Date: July 28, 2022, 5:30 P.M.

STAFF ANALYSIS

Case No.: SLUP-22-1245771 **Agenda #:** N.3

Location/Address: 2167 Newgate Drive **Commission District:** 3 **Super District:** 7

Parcel ID: 15-157-16-132

Request: A Special Land Use Permit (SLUP) to allow a child day care facility to allow up to six (6) children in an existing single-family home in the R-75 (Residential Medium Lot-75) District.

Property Owner(s): Martha Rodriguez

Applicant/Agent: Martha Rodriguez

Acreage: .29

Existing Land Use: Single-Family Residential

Surrounding Properties: Single-family residential.

Adjacent Zoning: **North:** R-75 **South:** R-75 **East:** R-75 **West:** R-75

Comprehensive Plan: SUB (Suburban) ☒ **Consistent** ☐ **Inconsistent**

Proposed Density: N.A. – no new construction proposed	Existing Density: N.A. – no new construction proposed
Proposed Units: N.A. – no new units proposed	Existing Units: N.A. – no new units proposed
Proposed Lot Coverage: N.A. – no change in lot coverage proposed	Existing Lot Coverage: (Estimated) 35%

Zoning History: Based on DeKalb County records, it appears that the R-75 zoning of the property has not changed since adoption of the first *Zoning Ordinance* and map in 1956.

SITE AND PROJECT ANALYSIS

Located in south Dekalb, the subject property is a .29-acre lot that has been developed with a two-story house. Vehicular access is provided by an 19-foot wide, 38-foot long driveway. The front yard and most of the rear yard are planted with a lawn. Mature trees are located in the rear yard. The entire rear yard is approximately 4,356 square feet in size.

The property is located within a single-family residential neighborhood. Surrounding areas are single-family residential or undeveloped. According to the facilities locator operated by the Georgia Department of Early Care and Learning - Bright From the Start Program, the nearest existing child care facility is located 2,270 feet away from the subject property.

The applicant, Martha Rodriguez, proposes to operate a child day care facility for up to six children. The application states that the hours of operation would be from 7:00 A.M. to 6:00 P.M., Monday through Friday.

LAND USE AND ZONING ANALYSIS

Section 27-7.4.6 of the *DeKalb County Zoning Ordinance* states that the following criteria shall be considered by the planning department, the planning commission, and the board of commissioners in evaluating and deciding any application for a special land use permit. The board of commissioners shall use the following criteria in making a decision regarding approval or disapproval of a special land use permit 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, transitional buffer zones, and all other applicable requirements of the zoning district in which the use is proposed to be located:** The size of the site is adequate for operation of a day care facility for up to six children.
- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, and whether the proposed use will create adverse impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use:** The proposed day care use for not more than six children appears to be compatible with the surrounding neighborhood.
- C. Adequacy of public services, public (or private) facilities, and utilities to serve the use contemplated:** Based on the location of the proposed use within an established subdivision, adequate public facilities and services are available for the proposed use.
- 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 use proposed so as not to unduly increase traffic and create congestion in the area:** Traffic that would be generated by the proposed use is not expected to cause congestion on Newgate Drive or on surrounding streets.
- E. Adequacy of 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:** Newgate Drive is a two-way local street in good condition. As a local street, it carries low levels of traffic. It can provide safe satisfactory vehicular access to and from the subject property. Pedestrian access to the home for parents or children can be safely provided by the walkway that leads from the driveway to the front door. Based on the submitted information, there is also a rear door that provides egress to the back yard. Two points of ingress and egress is sufficient to provide a means of exiting the house in an emergency. A fire truck or ambulance could access the property from the driveway or from Newgate Drive, since the home is approximately 38 feet from the right of way.

- F. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner and hours of operation of the proposed use:** Some noise might be generated when the children are playing outside, but 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. The proposed hours of operation, 7:00 A.M. to 6:00 P.M., are not expected to have an adverse effect on adjoining land uses. These hours are reasonable for a day care facility whose clients are working parents.
- G. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:** Since no new platting or construction is proposed, this consideration is not applicable.
- H. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan:** The proposed child day care facility is consistent with policies of the *2035 DeKalb County Comprehensive Plan* that support the provision of convenient childcare for working parents. By providing day care within a familiar neighborhood setting, they encourage children to develop a sense of place. In-home child day care facilities promote reduction of traffic congestion, consistent with *Comprehensive Plan* land use policies: they allow parents to drop off and pick up children by using local streets within residential neighborhoods, and may thus reduce traffic congestion on major roads during peak commuting hours. 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*: "Protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density."
- I. Whether there is adequate provision of refuse and service areas:** Refuse will be deposited in a typical garbage can that is emptied on a regular basis by the DeKalb County Sanitation Department. This arrangement is satisfactory.
- J. Whether the length of time for which the special land use permit is granted should be limited in duration:** Because the proposed day care facility appears to be appropriate at the proposed location, there is no reason to limit the duration of the Special Land Use Permit.
- K. Whether 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 the adjacent and nearby lots and buildings, and whether the proposed use will create a shadow impact on any adjoining lot or building as a result of the proposed building height:** Because no new buildings are proposed, this consideration is not applicable.
- L. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources:** There are no historic building sites, districts, or archaeological resources on the subject property or in the surrounding area.
- M. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit:** The proposed use meets the requirements contained in the supplemental regulations for a child day care facility.
- N. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, as expressed and evidenced during the review process:** The proposed use would be consistent with the needs of the neighborhood and of the community as a whole. It would be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan.

Sec. 7.4.7. - Additional criteria for specified uses.

C. Child day care facility. In determining whether to authorize a special land use permit for a child day care facility, the board of commissioners shall also consider each of the following criteria:

1. Whether there is adequate off-street parking for all staff members and for visitors to the child day care facility:

The driveway, which can accommodate up to four cars at a time, provides satisfactory off-street parking for visitors and one part-time assistant. Additionally, there is a two-car garage, which provides more parking for residents of the home.

2. Whether the proposed off-street parking areas and the proposed outdoor play areas can be adequately screened from adjoining properties so as not to adversely impact any adjoining land use: Staff does not envision the need for screening of the driveway, even if four visitors were to park their cars in the driveway at one time. There is a 4-ft tall wooden fence and several mature trees and vegetation to provide enclosure of the rear yard and appropriate screening from adjoining properties.

3. Whether there is an adequate and safe location for the dropping off and picking up of children at the child day care facility: The driveway or street provide satisfactory and safe locations at which parents could drop off or pick up children. Newgate Drive is a quiet residential street that connects two local residential streets in the heart of a single-family neighborhood. It is not a cut-through route to any major employment destinations. It is unlikely that there would be traffic congestion or hazards on the street during the times at which parents would be dropping off or picking up their children. There is no turnaround on the property; however, it appears that parents can safely back out of the driveway after dropping off or picking up their children, since Newgate Drive is a local residential street.

4. Whether the character of the exterior of the proposed structure will be compatible with the residential character of the buildings in the zoning district in which the child day care facility is proposed to be located, if proposed for a residential zoned district: The day care facility will be operated in a single-family detached home.

Supplemental Regulations.

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

- Minimum 30 square feet of indoor play area for each child: 180 square feet is required. Ms. Rodriguez has been informed of this requirement and must show compliance before a certificate of occupancy is issued.
- Minimum size of outdoor play area: Current GA Department of Early Child Care and Learning regulations (O.C.G.A. § 20-1A-1 et seq., amended August 2013) do not establish a minimum square footage for the outdoor play area. When evaluating Special Land Use Permit applications for child day care facilities, Staff has used, as a rule of thumb, the standard of a minimum of 100 square feet for each child. There is well over 600 square feet of play area in the rear yard that could be fenced for a play area.
- Outdoor play area shall be enclosed by minimum four-foot high fence or wall: Ms. Rodriguez has been informed of this requirement and must show compliance before a certificate of occupancy is issued.
- Ms. Rodriguez is aware that a DeKalb County business license is required.

B. Prior to the issuance of a business license for a child day care facility or child day care center, 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 and child day care center

shall provide off-street parking spaces as required by the applicable zoning district. Each child day care center shall provide an adequate turnaround on the site.

- Ms. Rodriguez is aware that a license from Bright From The Start is required to operate a child day care facility. No classrooms are proposed. See discussion of compliance of State requirements, above.
- Regarding off-street parking requirements, see response to Additional Criteria No. 3, above.

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).

- Ms. Rodriguez has stated that she does not intend to change the character of the exterior of her house or post any signs for the day care service.

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

According to the facilities locator operated by the Georgia Department of Early Care and Learning - Bright From the Start Program, the nearest existing child care facility is located 2,270 feet from the subject property at 2170 Lindsey Drive.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS.

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 familiar neighborhood setting, they encourage children to develop a sense of place. In-home child day care facilities promote reduction of traffic congestion, consistent with Comprehensive Plan land use policies: they allow parents to drop off and pick up children by using local streets within residential neighborhoods, and may thus reduce traffic congestion on major roads during peak commuting hours. The day care facility satisfies the considerations and supplemental regulations for a Special Land Use Permit and is expected to be operated in a manner that would not have an adverse impact on adjoining land uses. Implementation of the conditions recommended by Staff would enable the facility to meet State and County requirements and regulations. Therefore, the Department of Planning and Sustainability recommends "Approval" with the following conditions:

1. The Special Land Use Permit for a child day care facility for up to six children shall be granted to Martha Rodriguez at 2167 Newgate Drive and shall not be transferrable to another operator or location.
2. The outdoor play area shall be enclosed by minimum four-foot high wood fence.
3. Martha Rodriguez shall obtain a license from the Georgia Bright From The Start Program to operate a child day care facility prior to obtaining a County business license.
4. Martha Rodriguez shall obtain a certificate of occupancy to operate a child day care facility through approval of a "[Commercial Alterations and Repairs] [Residential Alterations and Repairs]" building permit.
5. Martha Rodriguez shall obtain a County business license prior to operating the child day care facility, which license shall be renewed annually.



6. Hours of operation shall be limited to 7:00 am to 6:00 pm, Monday thru Friday.

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Application
4. Zoning Conditions of CZ-89034
5. Site Plan
6. Zoning 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.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL
lahill@dekalbcountyga.gov**

**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: SLUP-22-1245771

Parcel I.D. #: 15 157 16 132

Address: 2167 Newgate Drive

WATER:

Size of existing water main: 6" CI (adequate/inadequate)

Distance from property to nearest main: adjacent

Size of line required, if inadequate: unknown

SEWER:

Outfall Servicing Project: Cobb Fowler Creek

Is sewer adjacent to property: Yes (X) No () If no, distance to nearest line: _____

Water Treatment Facility: SnapFinger Treatment Plant ☒ adequate () inadequate

Sewage Capacity: 36 (MGPD) Current Flow: 28.2 (MGPD)

COMMENTS:

Sewer capacity evaluation is not required if scope of work is an addition.
Sewer capacity evaluation is required if the scope of work is a demo and rebuild

Signature: Yola Lewis

6/13/2022

To: Ms. Madolyn Spann, Planning Manager
Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

6/13/2022

N.1

Z-22-1245472 2022-1731 15-145-15-054,15-145-15-099

1058 & 1078 Moreland Ave., Atlanta, GA 30316

☐ Amendment

- Please review general comments.
- Note this several properties in this location are have septic installed.

N.2

Z-22-1245700 2022-1732 15-123-02-066

3401 Rainbow Drive, Decatur, GA 30034

☐ Amendment

- Please review general comments.

N.3

SLUP-22-1245771 2022-1733 15-157-16-132

2167 Newgate Drive, Decatur, GA 30035

☐ Amendment

- Please review general comments.

N.4

Z-22-1245772 2022-1734 16-167-02-012

7276 Union Grove Road, Lithonia , GA 30058

☐ Amendment

- Septic sysytem installed 12/03/1969.
- Please review general comments.

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

6/13/2022

N.5

TA-22-1245814

Application of the Director of Planning & Sustainability

☒ Amendment

- Application of the Director of Planning & Sustainability for a text amendment for an update to the zoning cycle calendar to change the Planning Commission meeting start time from 5:30 to 6:00 pm.

ZONING COMMENTS – JUNE 2022:

N1. Z-22-1245472:

No comment.

N2. Z-22-1245770:

Both Rainbow and Columbia are minor arterials. Requires a donation of right of way of 40 from centerline OR such that all public infrastructure is within ROW, whichever greater. Requires a 6 foot sidewalk (zoning code) and a 4 foot bike lane (land development code) OR PREFERRED 10 foot multiuse path along frontage. Pedestrian scale street lighting required. Five foot offset required from back of curb to multiuse path. Complete the multiuse path improvements along the intersection radius.

N3. SLUP-22-1245771:

No comment.

N4. Z-22-1245772:

Consolidate to one driveway on Union Grove Road. Union Grove Road is classified as a minor arterial. Requires a donation of right of way of 40 from centerline OR such that all public infrastructure is within ROW, whichever greater. Requires a 6 foot sidewalk (zoning code) and a 4 foot bike lane (land development code) OR PREFERRED 10 foot multiuse path along frontage. Pedestrian scale street lighting required. Five foot offset required from back of curb to multiuse path. Complete the multiuse path improvements, including curb and gutter, along frontage to connect with the existing sidewalks at 7266 Union Grove Road, within the right of way.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control **(sections have been amended recently; please request the amended chapter)**, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. Recommend Low Impact Development features/ Green Infrastructure be included in the proposed site design to protect as much as practicable the statewaters and special flood hazard areas.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area **was** indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer **was** reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

(123)

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL
lahill@dekalbcountyga.gov

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: SLUP-22-1245771 Parcel I.D. #: 15-157-16-132

Address: 2167
NEWGATE DRIVE
DECATUR, GA

Adjacent Roadway (s):

(classification)

(classification)

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
Proposed right of way width _____

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

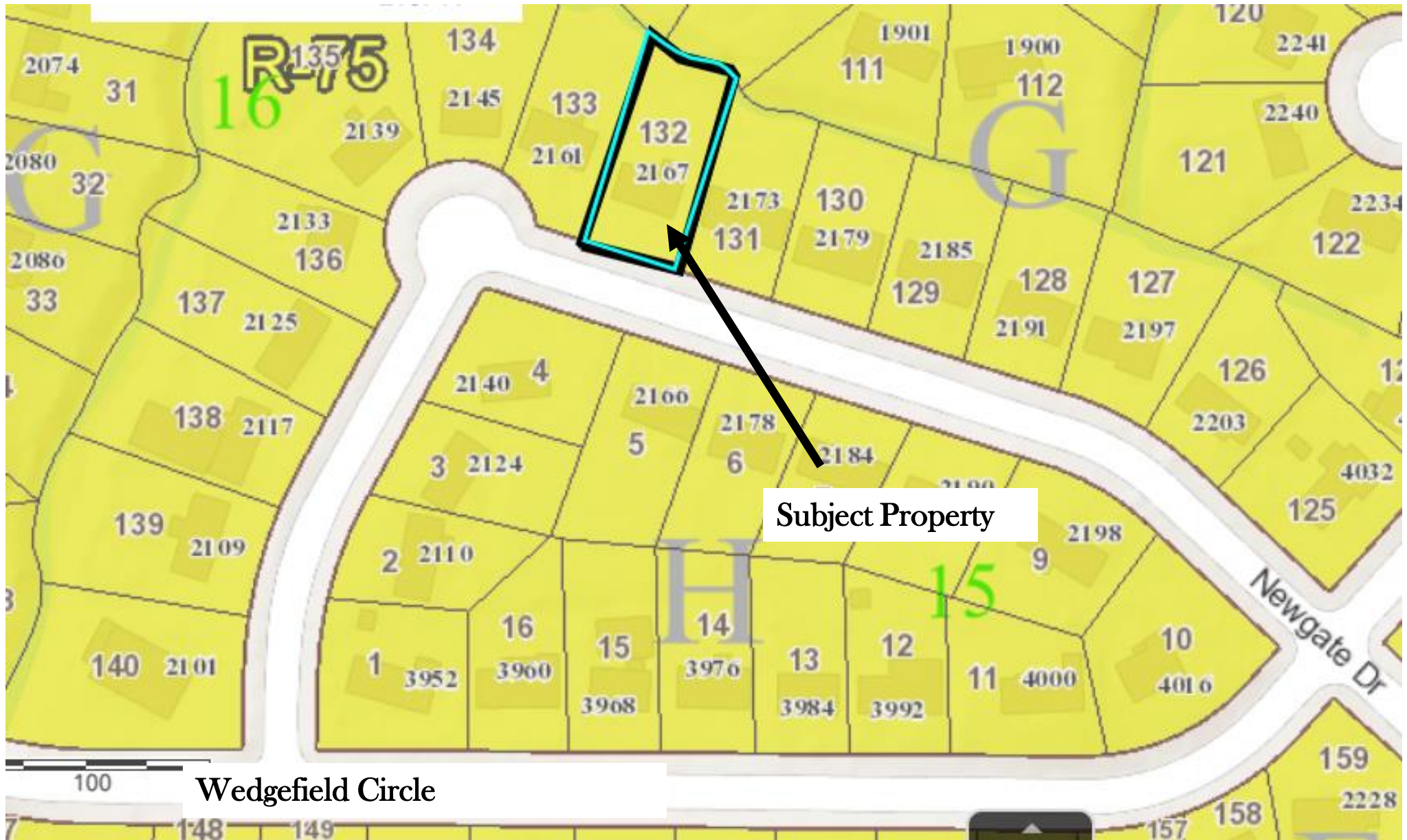
COMMENTS:

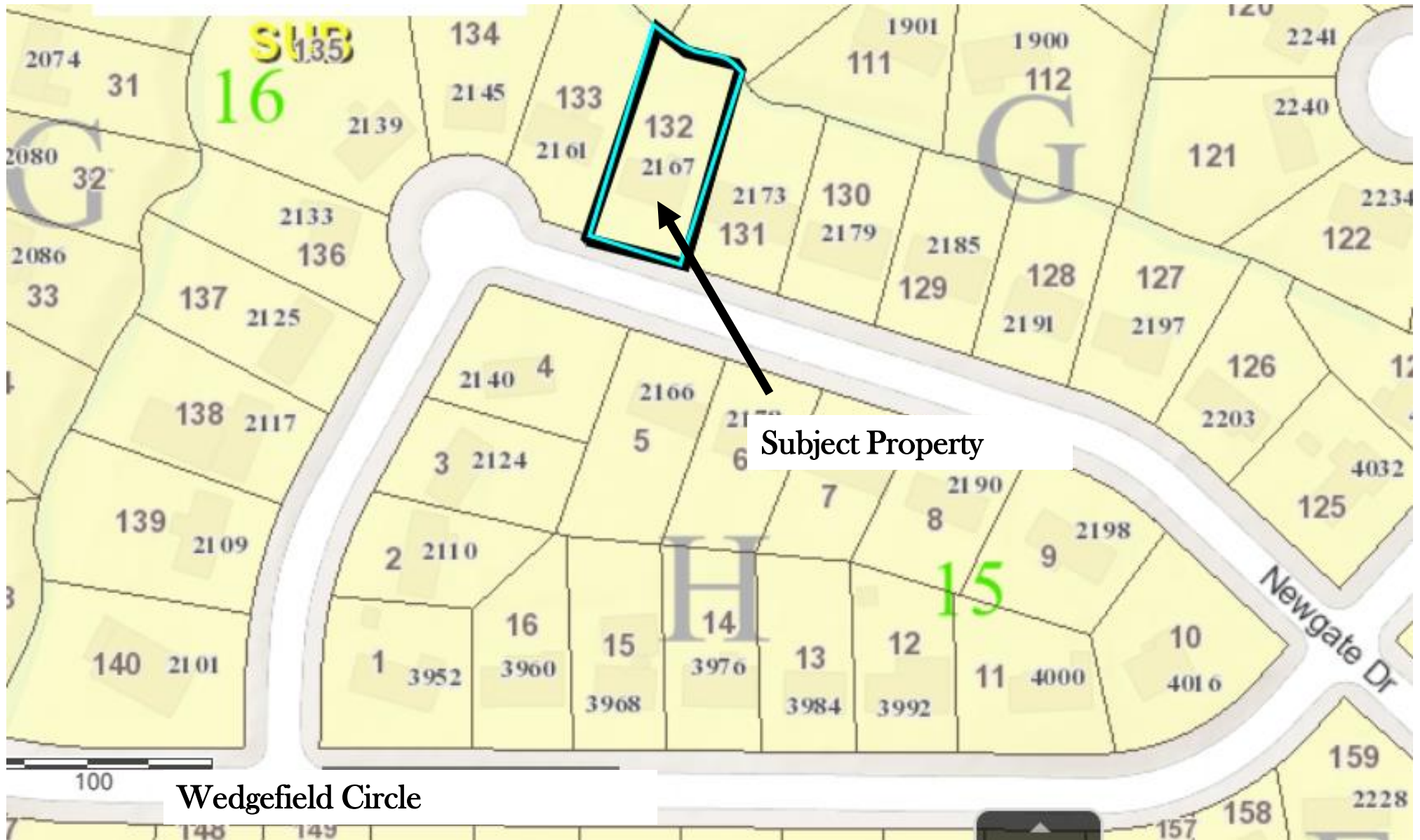
Plans and field reviewed. Nothing found that would affect traffic flow.

Signature: DAVID M. LEO

SLUP 22 1245771

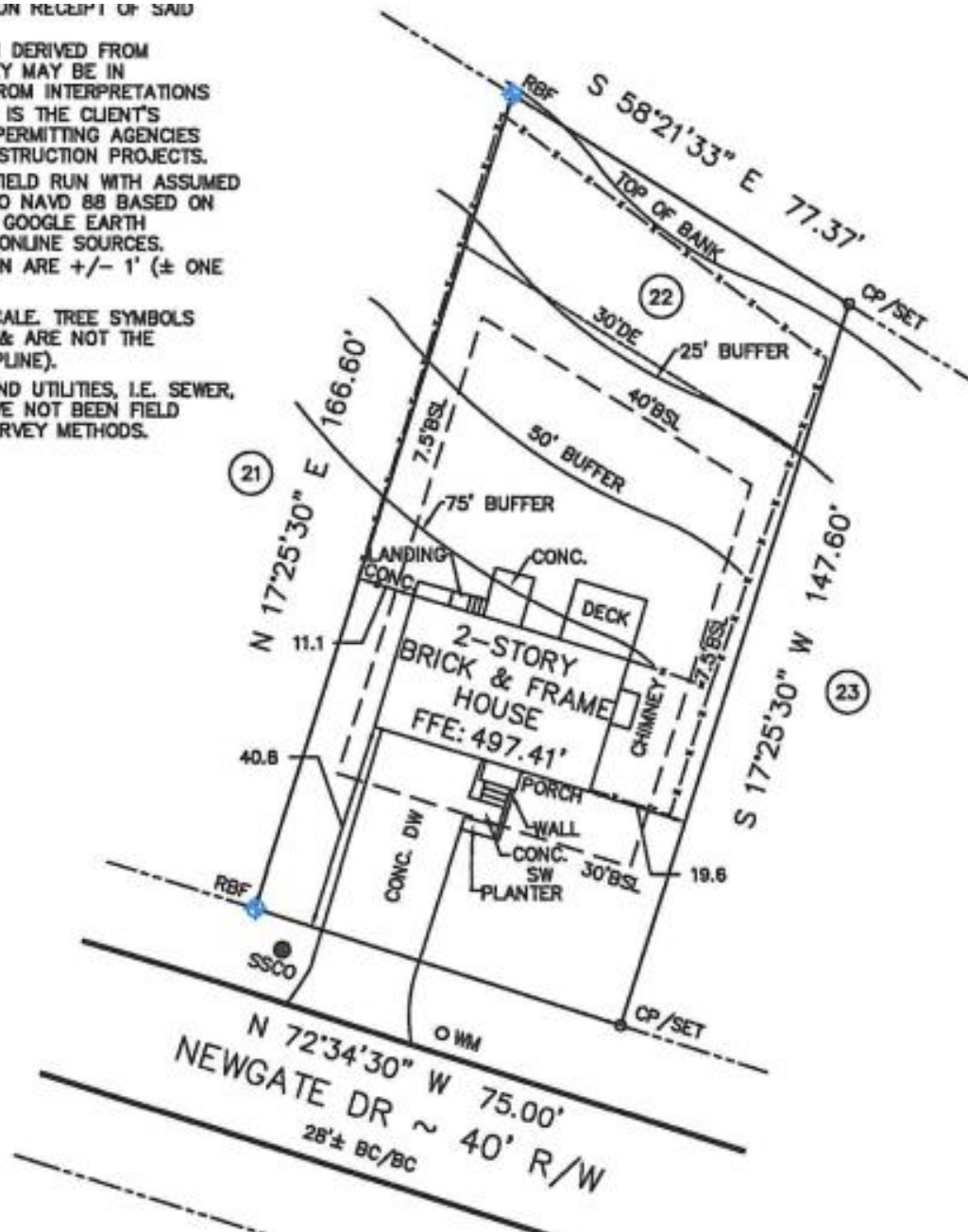
ZONING MAP







ROUND UTILITIES, I.E. SEWER,
HAVE NOT BEEN FIELD
SURVEY METHODS.



SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing deadline.

Date Received: _____ Application No: _____

APPLICANT NAME: Martha Liliana RodriguezDaytime Phone: (678) 790-9637 E-Mail: malibaca01@gmail.comMailing Address: 2167 Newgate Dr, Decatur GA 30035**Owner Name:** Martha Liliana Rodriguez

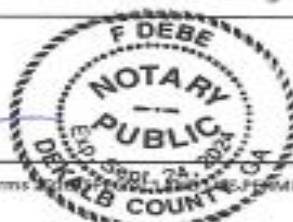
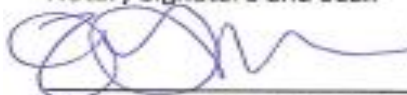
(If more than one owner, attach contact information for each owner)

Daytime Phone: (678) 790-9637 E-Mail: malibaca01@gmail.comMailing Address: 2167 Newgate Dr, Decatur GA 30035**SUBJECT PROPERTY ADDRESS OR LOCATION:** 2167 Newgate Dr, Decatur GA 30035_____
DeKalb County, GA, _____Parcel ID: 1515716132 Acreage or Square Feet: 0.29 Commission Districts 3 and 7Existing Zoning: R-75 Proposed Special Land Use (SLUP) Childcare Facility (up to 6)

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

Owner: X Agent: _____ Signature of ApplicantPrinted Name of Applicant: Martha Liliana Rodriguez

Notary Signature and Seal:



DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing deadline.

Date Received: _____

Application No: _____

APPLICANT NAME: Martha Liliana Rodriguez

Daytime Phone: (678) 790-9637

E-Mail: malibaca01@gmail.com

Mailing Address: 2167 Newgate Dr, Decatur GA 30035

Owner Name: Martha Liliana Rodriguez

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

Daytime Phone: (678) 790-9637

E-Mail: malibaca01@gmail.com

Mailing Address: 2167 Newgate Dr, Decatur GA 30035

SUBJECT PROPERTY ADDRESS OR LOCATION: 2167 Newgate Dr, Decatur GA 30035

DeKalb County, GA,

Parcel ID: 1515716132 Acreage or Square Feet: 0,29 Commission Districts 3 and 7

Existing Zoning: R-75 Proposed Special Land Use (SLUP) Childcare Facility (up to 6)

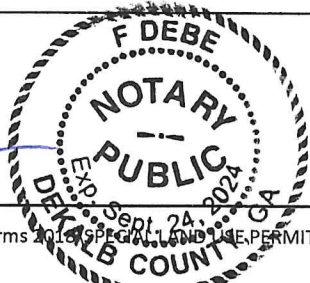
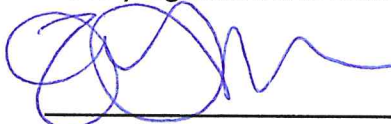
I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

Owner: X Agent: _____ Signature of Applicant



Printed Name of Applicant: Martha Liliana Rodriguez

Notary Signature and Seal:





Chief Executive Officer
Michael Thurmond

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM**REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE**

(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: _____ Martha Lilliana Rodriguez_ Phone: _678-790-9637__ Email: malibaca01@gmail.com

Property Address: _____ 2167 Newgate Drive _____

Tax Parcel ID: _____ 15 157 16 132 _____ Comm. District(s): _____ 3 and 7 _____
Acreage: 0.29 acres

Existing Use: _____ Residential _____ Proposed Use Child care facility (up to 6) _____

Supplemental Regs: _____ 4.2.19 _____ Overlay District: _____ No _____ DRI: _____ No _____

Rezoning: Yes _____ No _____ X _____

Land Use Plan Amendment: Yes _____ No _____ X _____

Special Land Use Permit: Yes _____ X _____ No _____

Special Land Use Request(s) to operate a childcare facility up to 6 persons

Martha Liliana Rodriguez
2167 Newgate Dr
Decatur GA 30035
678-790-9637
malibaca01@gmail.com

April 5, 2022

Re: Community Meeting – Special Land Use Permit

Dear Neighbor:

I am Martha Liliana Rodriguez and I will be submitting a Special Land Use Permit Application to DeKalb County to open a Family Day care. A community meeting has been scheduled to inform the surrounding property owners about the proposed project, and to allow them to ask questions, present concerns, and make suggestions.

Date: Wednesday, April 13, 2022

Time: 7:00 pm

Join Zoom Meeting

<https://us02web.zoom.us/j/83152180994?pwd=VUxSa1NNOHhZRlpIUUVOL3p6SEUxdz09>

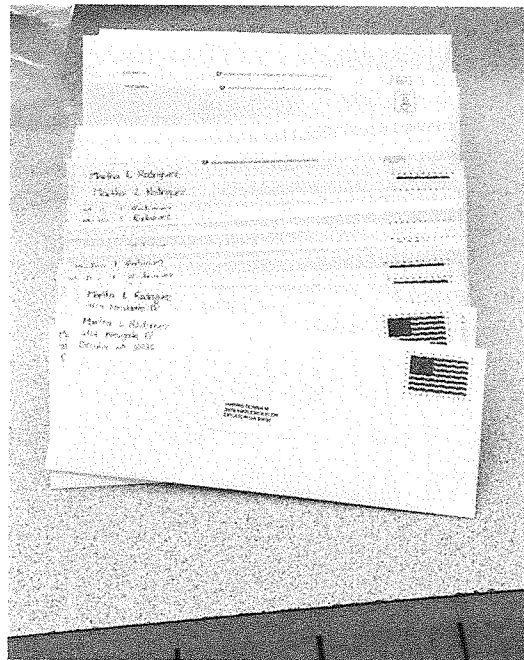
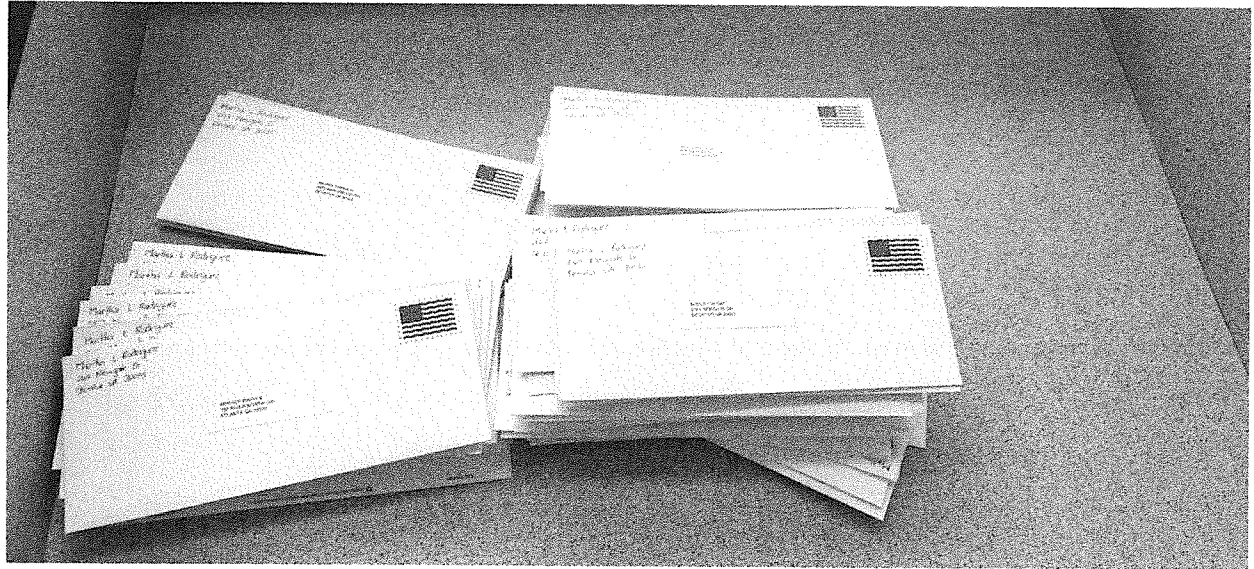
Meeting ID: 831 5218 0994

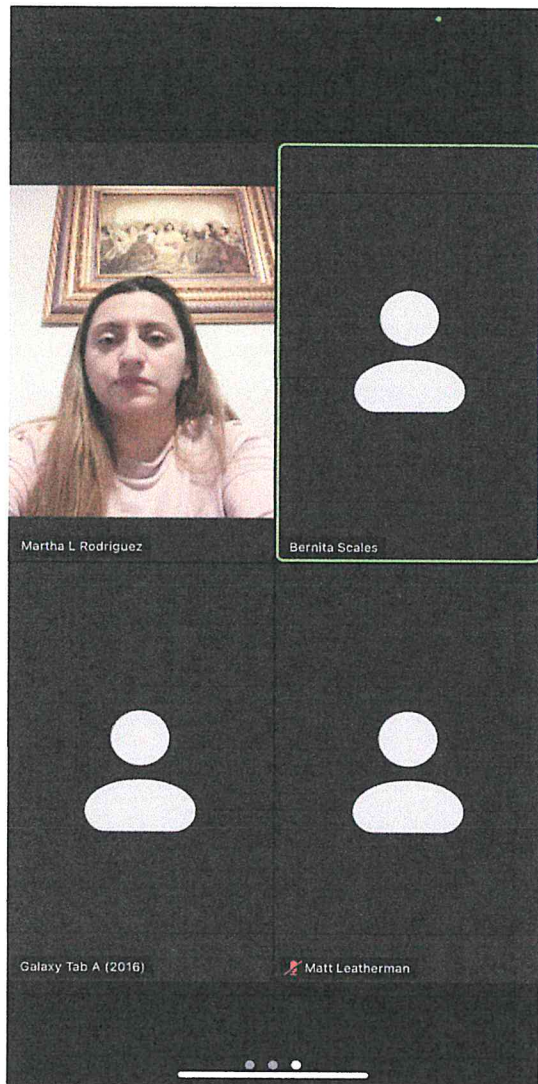
Passcode: yKz3Au

If you have any questions about the meeting, please call 678-7909637 or email malibaca01@gmail.com. We look forward to seeing you there!

Sincerely,

Martha Liliana Rodriguez





7:01



Close

Participants (3)

ML Martha L. Rodriguez (Host, me)



GT Galaxy Tab A (2016)



BS Bernita Scales



Invite



LETTER OF APPLICATION

This Application seeks a Special Land Use Permit to allow Martha Liliana Rodriguez the opening of a Child care facility for up to 6 children in her property. The Property, is on a 0.29 acre tract of land located in Land Lot 157, 15th District, DeKalb County, known as 2167 Newgate Dr, Decatur GA 30035 (the "Subject Property"). The Subject Property contains a +11,782 square foot (sf) structure, parking lots, and associated improvements. The Subject Property is zoned R-75 (Residential Medium Lot) District.

The goal of opening the In-house Daycare is to provide the child with an exceptional learning experience and furnish them with the tools they need to be a successful learner. I, Martha Liliana Rodriguez, have a Montessori Training , along with 9 years of hands-on experience with 5 of those years being a lead teacher in a well known private preschool and 1 year as a director of a preschool.

My home will be a place where children feel safe, loved, and at a home away from their home. It is my desire to do my best to help children develop to their full potential physically, emotionally, socially, and intellectually. I provide an environment that will be positive, loving and encourage children to learn, grow and be happy.

The In-Home daycare will operate from 730 am to 5:30 pm as I recognize that this is the biggest need for the families. I will have up to 6 children from 3 months until 4 years old. The In-Home daycare will follow the state staff:child ratio that allows to have 1 teacher every 6 children, as well It will have a part time Teacher Assistant to give support in the different activities and transitions that I will have in the In-home day care. The In-home daycare will have a Playground that shall be protected from traffic or other hazards by a four (4) foot or higher secure fence or other barrier approved by the state.

I will engage with our families on a regular basis, so I encourage all families to be involved. My goal is to provide outstanding care for our children. I am driven to provide the best care for our children and families. I will be state certified and CPR & First Aid trained. I Will take responsibility for making sure my home is well-maintained, clean, orderly, and provides a loving environment.

IMPACT ANALYSIS

Criteria: Sec 27-7.4.6 The following criteria shall be considered by the Department of Planning and Sustainability, the Planning Commission and the Board of Commissioners

in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the Board of Commissioners unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and unless the application is in compliance with all applicable regulations in Article 4

A. Adequacy of the size of the site for 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 Subject Property is 0.29 acres, which is more than adequate land area for the proposed use, The property includes a big open space, off-street parking, and all other applicable requirements of the district 3 in which the use is proposed to be located.

B. Compatible of the proposed use with adjacent properties and land use and other properties and land uses in the district.

The House use is appropriate given the surrounding land uses

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

The Property is currently served by water and sewer and access to other public services and facilities.

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 use proposed so as not to unduly increase traffic and create congestion in the area.

The property provides a driveway that allows parking up to 4 cars and provides off-street parking spaces as required by the zoning district. The property provides an adequate turnaround on the site.

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

No, there will not be existing land uses located along access routes

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.

Yes, the property provides a driveway that allows parking up to 4 cars and provides off-street parking spaces as required by the zoning district. The property provides an adequate turnaround on the site.

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 are no anticipated adverse impacts on surrounding properties due to noise, smoke, odor, dust, or vibration generated by the proposed use. Since the request is open a family day care , the adverse impacts (listed above) should be minimal or nonexistent

H. Whether or not the proposed use will create adverse impacts upon any adjoin land use by reason of the hours of operation of the proposed use.

No. The proposed hours of operation for the Family Day care are compatible and complementary to with the surrounding uses

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

No, The exterior appearance of the facility will be maintained as a residential structure, and no signs will be erected

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

Yes.

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

The proposed use with recommended conditions is consistent with the policies and strategies of the Suburban (SUB) which encourages Residential protection.

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

Yes. The proposed improvements will adhere to the site dimensional and landscaping requirements prescribed by the DeKalb County Code of Ordinances

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

Yes. The refuse and service areas will remain in the same configuration as currently exist onsite

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

No. The proposed use is a permanent use and a time limitation is neither necessary nor appropriate.

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 the adjacent and nearby lots and buildings.

Yes. The existing structure is of adequate size for the proposed use and is consistent with the size and scale of other surrounding houses.

P. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.

No. The existing property is not historic and there will not be any improvements that adversely affect historic buildings, sites, districts, or archaeological resources.

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

Yes. The property meets the supplemental requirements and will meet:

- a. Each child day care facility and child day care center shall comply with all applicable state day care requirements for standards, licensing and inspection. A DeKalb County business license is required.
- b. Prior to the issuance of a business license for a child day care facility or child day care center, 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 and child day care center shall provide off-street parking spaces as required by the applicable zoning district. Each child day care center shall provide an adequate turnaround on the site.
- 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).
- d. No child day care facility shall be located within one thousand (1,000) feet of another child day care facility

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

There will be no negative shadow impact on any adjoining lot

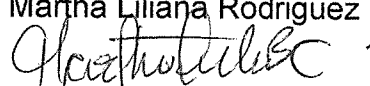
S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole be compatible with the neighborhood and would not be in conflict with the overall objectives of the comprehensive plan.

Yes, The proposed use with recommended conditions is consistent with the policies and strategies of the Suburban (SUB) which encourages Residential protection.

CONCLUSION

For the foregoing reasons, I the Applicant respectfully request that the Special Land Use Permit at issue be approved. I, The Applicant also invite and welcome any comments from Staff or other officials of DeKalb County so that such recommendations or input might be Incorporated as conditions of approval of this Application.

This day of April, 2022.

Respectfully Submitted
Martha Liliana Rodriguez


DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

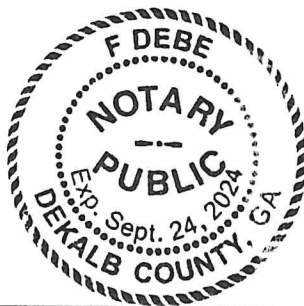
Yes _____ No X *

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

[Signature]
Notary



9/24/2024
Expiration Date/ Seal

[Signature] 04-23-2022
Signature of Applicant /Date

Check one: Owner X Agent _____

*Notary seal not needed if answer is "no".

ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE.

NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES. IT IS THE CLIENT'S OBLIGATION TO CONFIRM WITH PERMITTING AGENCIES BASED ON THEIR SPECIFIC CONSTRUCTION PROJECTS.

~ THIS MAP/PLAT HAS BEEN FIELD RUN WITH ASSUMED ELEVATIONS, THEN ADJUSTED TO NAVD 88 BASED ON MULTIPLE OBSERVATIONS FROM GOOGLE EARTH SATELLITE IMAGERY OR OTHER ONLINE SOURCES. THE ELEVATIONS SHOWN HEREON ARE +/- 1' (± ONE FOOT).

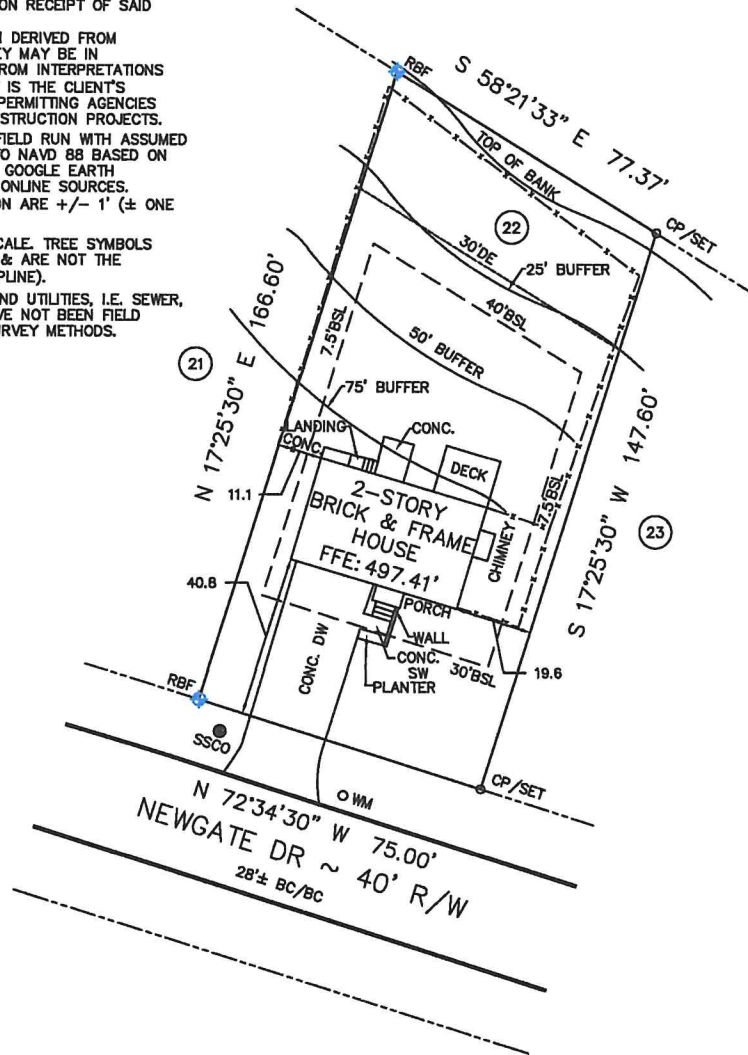
TREE SYMBOLS ARE NOT TO SCALE. TREE SYMBOLS REPRESENT POSITION OF TREE & ARE NOT THE CRITICAL ROOT ZONE (NOT DRIPLINE).

NOTE: ANY & ALL UNDERGROUND UTILITIES, I.E. SEWER, STORM, GAS, WATER, ETC., HAVE NOT BEEN FIELD LOCATED BY CONVENTIONAL SURVEY METHODS.

NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.

* LEGEND *

NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.
AKA ALSO KNOWN AS
APD AS PER DEED
APP AS PER PLAT
BSL BUILDING (SETBACK) LINE
CP COMPUTED POINT
CTP CRIMP TOP PIPE FOUND
D DEED (BOOK/PAGE)
DW DRIVEWAY
EP EDGE OF PAVEMENT
FFE FINISH FLOOR ELEVATION
FKA FORMERLY KNOWN AS
IPF IRON PIN FOUND
L ARC LENGTH
LL LAND LOT
LLL LAND LOT LINE
N NEIGHBOR'S
N/F NOW OR FORMERLY
NAIL NAIL FOUND
P PLAT (BOOK/PAGE)
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
R RADIUS LENGTH
R/W RIGHT-OF-WAY
RBF REINFORCING BAR FOUND
(1/2" UNO)
RBS 1/2" REINFORCING BAR SET
SW SIDEWALK
SSE SANITARY SEWER EASEMENT
SSCO SANITARY SEWER CLEANOUT
-X- FENCE LINE
WALL



PROPERTY ADDRESS:
2167 NEWGATE DR
DECATUR, GA 30035

LAND AREA:
11,782 SF 0.27 AC

HOUSE: 1203 SF
DW: 830 SF
SW: 28 SF
PORCH: 29 SF
STEPS: 31 SF
WALL: 8 SF
DECK: 172 SF
CONC: 93 SF
LANDING: 12 SF

IMPERVIOUS AREA:
EXIST= 2415 SF= 20.5%

ZONING: R-75

0 30
SCALE 1" = 30'

PLAT PREPARED FOR:

2167 NEWGATE DR

LOT 22 BLOCK G UNIT SUBDIVISION EASTERWOOD

LAND LOT 157 15th DISTRICT PARCEL ID: 15 157 16 132 BY:

DeKALB COUNTY, GEORGIA FIELD DATE: 04-07-2022 NH

LOCATED IN UNINCORPORATED DRAWN DATE: 04-09-2022 AE

REFERENCE: PLAT BOOK 55, PAGE 24 ALL MATTERS OF TITLE ARE EXCEPTED, NOT TO BE RECORDED NOR USED TO CONVEY PROPERTY.

REFERENCE: DEED BOOK 27492, PAGE 659

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.



SURVEY SYSTEMS ATLANTA
657 Lake Dr, SW, Snellville, GA 30039
COA #LSF000867, info@SurveySystemsAtlanta.com
Cell 678-591-8064 ~ Office 404-760-0010