

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 05 Super District 07

Application of Wendy Rios Ochoa for a Special Land Use Permit (SLUP) to operate an in-home childcare facility for up to six children in an existing single-family home in the RSM (Small Lot Residential Mix) zoning district, at 6168 Marbut Road.

PETITION NO: N5-2022-2255 SLUP-22-1246059

PROPOSED USE: In-home childcare facility, up to six (6).

LOCATION: 6168 Marbut Road, Lithonia, Georgia 30058

PARCEL NO. : 16-102-03-014

INFO. CONTACT: Planning & Sustainability

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Wendy Rios Ochoa for a Special Land Use Permit (SLUP) to operate an in-home childcare facility for up to six children in an existing single-family home in the RSM (Small Lot Residential Mix) zoning district. The property is located on north side of Marbut Road, at 6168 Marbut Road in Lithonia, Georgia. The property has approximately 60 feet of frontage along Marbut Road and contains 0.16 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Approval with Conditions.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The applicant is seeking a special land use permit (SLUP) to establish a child day care facility (up to six (6) children). The requested use is consistent with the *Zoning Ordinance* and does not detract from the goals of the *Comprehensive Plan*. The subject property is located in the Suburban (SUB) future land use character area, which includes institutional use as a primary land use (pg. 115). The proposal permits a small-scale childcare service that may serve the needs of its immediate residential community. The site should be adequate for a small childcare service in a residential setting. Adverse impacts based on the manner and time of operation should be minimal. The proposed hours of operation “would be 7:00am to 5:30pm Mon-Fri.” No significant regulatory issues have been raised related the proposed operation. State records indicate that the nearest day care facility to the subject property is greater than 1,000 linear feet (i.e., > 4,000 ft.); as required for zoning compliance. Therefore, upon review of Sections 7.4.6, 7.4.7 C, and 4.2.19 of the *Zoning Ordinance*, Staff recommends “Approval of the special land use permit request, subject to the attached conditions”.

PLANNING COMMISSION VOTE: Approval with Conditions 8-0-0. Jana Johnson moved, Jan Costello seconded for approval with four (4) conditions, per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 6-0-0.

SLUP-22-1246059 (2022-2255)
Recommended Conditions Nov 2022
6168 Marbut Road

1. Prior to business license approval, the applicant shall install a 9-foot-wide pervious bump-out for vehicular turnaround on-site. This condition may be waived if all childcare clients walk to the site. Also, this condition shall be reviewed prior to future business license renewals.
2. No on-street parking, loading, or unloading shall be permitted.
3. This Special Land Use Permit (SLUP) shall expire on May 31, 2024 and must be renewed by the Board of Commissioners prior to the aforementioned expiration date.
4. The operation shall always comply with Sec. 4.2.19 (Child day care facility (up to six children) ...) of the *Zoning Ordinance*.



DeKalb County Department of Planning & Sustainability

178 Sams Street,
Decatur, GA 30030

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

Planning Commission Hearing Date: November 1, 2022
Board of Commissioners Hearing Date: November 17, 2022

STAFF ANALYSIS

Case No.:	SLUP-22-1246059	Agenda #: 2022-2255
Location/Address:	6168 Marbut Road	Commission District: 05 Super District: 07
Parcel ID(s):	16-102-03-014	
Request:	Special Land Use Permit to operate an in-home childcare facility for up to six children.	
Property Owner(s):	Pedro Rios Garcia	
Applicant/Agent:	Wendy Rios Ochoa	
Acreage:	0.16 acres	
Existing Land Use:	Residential	
Surrounding Properties:	North: RSM East: RSM South: RSM West: RSM	
Comprehensive Plan:	SUB	<input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent

Staff Recommendation: Approval with conditions.

The applicant is seeking a special land use permit (SLUP) to establish a child day care facility (up to six (6) children). The requested use is consistent with the *Zoning Ordinance* and does not detract from the goals of the *Comprehensive Plan*. The subject property is located in the Suburban (SUB) future land use character area, which includes institutional use as a primary land use (pg. 115). The proposal permits a small-scale childcare service that may serve the needs of its immediate residential community.

The site should be adequate for a small childcare service in a residential setting. Adverse impacts based on the manner and time of operation should be minimal. The proposed hours of operation “would be 7:00am to 5:30pm Mon-Fri.” No significant regulatory issues have been raised related the proposed operation. State records indicate that the nearest day care facility to the subject property is greater than 1,000 linear feet (i.e., > 4,000 ft.); as required for zoning compliance.

Therefore, upon review of Sections 7.4.6, 7.4.7 C, and 4.2.19 of the *Zoning Ordinance*, staff recommends approval of the special land use permit request, subject to the following conditions:

1. Prior to business license approval, the applicant shall install a 9-foot-wide pervious bump-out for vehicular turnaround on-site. This condition may be waived if all childcare clients walk to the site. Also, this condition shall be reviewed prior to future business license renewals.

2. No on-street parking, loading, or unloading shall be permitted.
3. This Special Land Use Permit (SLUP) shall expire on May 31, 2024 and must be renewed by the Board of Commissioners prior to the aforementioned expiration date.
4. The operation shall always comply with Sec. 4.2.19 (Child day care facility (up to six children) ...) of the *Zoning Ordinance*.



**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-22-1246059

Parcel I.D. #: 16-102-03-014

Address: 6168 MARBUT RD

LITHONIA, GA 30058

WATER:

Size of existing water main: 12"DIP (adequate/inadequate)

Distance from property to nearest main: adjacent

Size of line required, if inadequate: unknown

SEWER:

Outfall Servicing Project: Pole Bridge Creek

Is sewer adjacent to property: Yes () No (X) If no, distance to nearest line: approx. 460 ' east

Water Treatment Facility: Pole Bridge () adequate () inadequate

Sewage Capacity: 20 (MGPD)

Current Flow: 7.8 (MGPD)

COMMENTS:

Signature: Yola Lewis



10/17/2022

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

10/17/2022

N5 2022-2255

SLUP-22-1246059 16-102-03-014

6168 Marbut Road, Lithonia, GA 30058

☐ Amendment

- Please review general comments.
- Note: This property may be on septic. Based on our records several surrounding properties have septic system installed. Our office does not have records that indicates installation.

N6 2022-2256

LP-22-1246085 15-083-001-013

2179 Bouldercrest Road, Atlanta, GA 30316

☐ Amendment

- Please review general comments.
- Note: Manufacturing Plant with septic system installed 09/30/1967. Size: 2500----800'x30" Distubution Box with 4" siphon

N7 2022-2257

Z-22-1246088 15-083-01-013

2179 Bouldercrest Road, Atlanta, GA 30316

☐ Amendment

- Please review general comments.

N8 2022-2258

SLUP-22-1246086 15-200-02-040

3507 Memorial Drive, Decatur, GA 30032

☐ Amendment

- Please review general comments.
- Note: This property may be on septic. Based on our records several surrounding properties have septic system installed. Our office does not have records that indicates installation.

Zoning Comments – October 2022

- N1.** No package to review.
- N2. 1845 Lawrenceville Hwy.** Lawrenceville Hwy is a state route. GDOT review and approval required prior to permitting. Lawrenceville Hwy is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Add ADA Ramps and a pedestrian crossing across Jordan Lane. Requires a 5-foot landscape strip with a 10 foot multi-use path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Jordan Lane is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires 12-foot travel lane from centerline with curb and gutter. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. No poles may remain within the limits of the sidewalk. Driveway on Jordan Lane cannot be relocated without Transportation approval- proposed location acceptable.
- N3. 1251 Robinwood Rd.** Build 5 foot sidewalks in front of the subject property and extend to Lawrenceville Hwy within the current right of way. Robinwood Rd is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires 12 foot travel lane from centerline with curb and gutter. Requires a 5 foot landscape strip with a 5 foot sidewalk on right of way. Requires pedestrian scale streetlights. Street parking within the right of way must be approved by Roads & Drainage prior to permitting. No poles may remain within the limits of the sidewalk. Interior streets/alleys must be private.
- N4. 3458 Mountain Drive.** Mountain Drive is a state route and requires GDOT review and approval prior to permitting. Requires traffic study to determine required number of lanes and queue lengths at entrances. The study will also determine the need for left turn lanes into the development. Mountain Drive is classified as a collector road. Requires a right of way dedication of 35 from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot multi-use path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Speed Limit is 45 mph (per plans). Watch minimum driveway separation spacing in Sec 14-200(6). Speed Limits between 36 to 45mph requires 245 feet of separation between driveways. Developments with 151-300 residential units require 3 access points (Land development Code Sec 14-200(5).) Suggest that if you are seeking a variance that you do it within the zoning process. Interior street must be private.
- N5. 6168 Marbut Rd.** No parking allowed on Marbut Road.
- N6/N7. 2179 Bouldercrest Road.** Bouldercrest Road is classified as a major arterial. Requires a right of way dedication of 50 from centerline OR such that all public infrastructure is within right of way, whichever greater. Replace curbing along property frontage. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. No Parking allowed within the right of way.
- N8. 3507 Memorial Drive.** Memorial Drive is a state route. GDOT review and approval required prior to permitting. No comment. Based on the plan, this site it interior to the property and not adjacent to a right of way.

- N9. 311 South Howard St.** (They have the wrong address on the application. It is 211 South Howard Street.) Memorial Drive is a state route within the City of Atlanta. Both agencies will have to review and approve the requirements prior to permitting. For DeKalb: Memorial Drive requires a right of way dedication of 50 foot from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. DeKalb Transportation will defer to the City of Atlanta comments for right of way improvements. South Howard St is classified as a collector street. South Howard Street requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Access point must remain at the southern property line on South Howard St. Interior private alley (instead of a shared drive for permitting) must be private. Shared drives not allowed for 6 lots, private alley in this case is allowed.
- N10. 1347 Bermuda Road.** By Code- shared driveways can only be for 2 lots. A variance will be necessary to have 6 lots on a shared driveway. Suggestion: widen to 24 feet and make it a private road. Bermuda Road is classified as a collector road. requires a right of way dedication of 35 from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Watch minimum separation of drives/roads in section 14-200(6) based on the speed limit of the road.
- N11. 8067 Rockbridge Road.** No Access on The Trace. Rockbridge Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. The Trace is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 5 foot sidewalk path. No poles may remain within the limits of the sidewalk. Requires pedestrian scale streetlights. This property is within the interior of a curve. Intersection sight distance exiting the property (based on AASHTO guidance and sealed by a professional engineer) must be met prior to permitting. Guardrail resign must also take place by a professional engineer along the Rockbridge frontage.
- N12. 1065 Fayetteville Rd.** Fayetteville Road is classified as a collector road. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Graham Circle is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 12 foot travel lane from centerline of road. Requires a 5 foot landscape strip with a 5 foot sidewalk path. No poles may remain within the limits of the sidewalk. Requires pedestrian scale streetlights. Interior streets are shown on site plan as private. If they become public: Requires a right of way dedication of 55 feet. Requires a 5 foot landscape strip with a 6 foot sidewalk. No poles may remain within the limits of the sidewalk. Requires pedestrian scale streetlights.
- N13. 2255, 3375, 3395 Northeast Expressway.** All access is from GDOT right of way. GDOT review and permits required. Further discussions required around the Peachtree Greenway Trail connection. All public infrastructure must be on right of way.
- N14. 1602 Scott Blvd.** Scott Blvd is a state route. GDOT review and approval required prior to permitting. Scott Blvd is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. Extend Path to and along Blackmon Drive frontage. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. All interior streets to be private. No access allowed on Blackmon Drive Right in right out only allowed on Scott Blvd- with proper design to prohibit restricted movements.
- N15. 2739 Craigie Ave.** No comment.
- N16. 1259 Sheppard Ct.** No comment.

N17/N18. Not in package to review.

N19. No comment.



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 not** 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 not** 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

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MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL
lahill@dekalbcountyga.gov

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: SLUP-22-1246059 Parcel I.D. #: 16-102. 03-014
Address: 6168 Market Road
Lithonia, Ga. 30058

Adjacent Roadway (s):

(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:

Did not see any traffic engineering concerns at this time.

Signature: Jessy Russell

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: Wendy A. Rios Ochoa

Daytime Phone: 678-650-6262 E-Mail: wendyochoa2@hotmail.com

Mailing Address: 6168 Marbut rd. Lithonia, GA. 30058

Owner Name: Pedro V. Rios Garcia

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

Daytime Phone: 404-789-1665 E-Mail: pedronics411@gmail.com

Mailing Address: 6168 Marbut rd. Lithonia, GA. 30058

SUBJECT PROPERTY ADDRESS OR LOCATION: 6168 Marbut rd.

Lithonia DeKalb County, GA, 30058

Parcel ID: 16-102-03-014 Acreage or Square Feet: 12(8,712 sqft) Commission Districts 5 & 7

Existing Zoning: R-100 Proposed Special Land Use (SLUP) In-home Family Daycare

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

Owner: _____ Agent: ☒ Signature of Applicant
[Signature]

Printed Name of Applicant: Wendy A. Rios Ochoa

Notary Signature and Seal:

[Signature]



Wendy Rios Ochoa

6168 Marbut Rd
Lithonia, GA 30058

678-650-6262

E-mail: wendyochoa1@hotmail.com

DATE

Dear Neighbors,

I, Wendy Rios Ochoa, am writing this letter to inform you that I'm in the process of starting an in-home childcare facility. If you are receiving this letter it is because you are a resident within proximity of my home 6168 Marbut Rd, Lithonia Ga. I am currently applying for a Special Land Use Permit that would allow me to care for up to six children within the facility. My operation hours would be Monday-Friday from 7am-5:30pm. For this reason, I will be hosting a zoom webinar meeting that you are invited to attend. This meeting will be held on Friday, July 22, 2022 at 6:00pm.

Please feel free to join me.

Meeting ID: 220 061 3677
Passcode: 9Tvds1

Should you have any questions or concerns about the process feel free to contact me directly to 678-650-6262. Thank and have a blessed day!

Wendy Ríos Ochoa

Wendy Rios Ochoa
6168 Marbut rd
Lithonia GA 30058

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Wendy Rios Ochoa

Wendy Rios Ochoa

Harold Merritt
1743 Harmony Hills Ct
Lithonia, GA 30058





Zoom



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Participants



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End



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Letter of Application

Dear neighbors and commissioners,

My name is Wendy Rios Ochoa and I am writing to you today to apply for a special land use permit. My intent is to start an in-home daycare center for a small group of children ranging from 3 months old to 4 years old. This daycare would be held on my residential property in 6168 Marbut rd. Lithonia, Ga 30058.

I would like to provide a brief summary of my background. I have resided in Lithonia, Ga for over two years. I am a mother of two toddler boys ages two and 4. Caring and teaching children has always been a passion for me. Growing up, I volunteered in children's ministry at my church. After graduating high school, I decided to pursue a career in early childhood education specializing in special education. I am a certified Georgia teacher. I taught in Gwinnett County Public Schools for four years. After having my youngest, I decided to stay at home with my kids. At this time, I feel I can better serve my community and better support my family by opening my own home daycare center. My teaching license/certificate is up to date, and I am certified to work with all ages up to 12th grade.

My home is fully fenced, baby proofed and equipped with cameras inside and outside of the home. The hours of operation would be 7:00 am to 5:30 pm Mon-Fri. I would be providing all children with breakfast, lunch and snacks. Children enrolled in my daycare will also participate in age appropriate activities and they will have access to learning equipment and an outdoor playground located in my fenced backyard.

Thank you for taking the time to read my letter. I look forward to contributing to my community and the children in it.

Wendy Rios

Impact Analysis

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.

Located on 8,712 square feet, adequate land is available to operate an in-home childcare facility. All required yards, open space, off-street parking, and all other applicable requirements are met.

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

The facility is part of a family-oriented neighborhood. The proposed use of the property is compatible with adjacent properties because there are children present in the neighborhood already.

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

Given that the area surrounding the proposed in-home childcare facility contain public streets, adequate public services and facilities are available. There are also utilities available in the facility.

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.

A driveway would be used to enter and exit the facility. This would limit traffic because cars won't be parked off the side of the road. Marbut rd. appears to have adequate traffic 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 will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.

The character of the vehicles nor the traffic generated by the in-home childcare facility will not adversely affect any existing land uses located along the access routes to the site.

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.

In the event of an emergency such as a fire, the facility will have adequate ingress and egress to the current structure. The facility currently has ingress and egress from Marbut rd.

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.

The proposed use will not create any adverse impacts upon any adjoining land use by reason of any abnormal smoke, odor, dust, noise, or vibration.

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.

The hours of operation proposed for the in-home childcare facility should not create any adverse impacts upon any adjoining land.

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.

The manner of operation proposed for the in-home childcare facility should not create any adverse impacts upon any adjoining land.

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.

The proposed plan is consistent with all of the requirements of the 5th and 7th district classifications in which the use if proposed to be located.

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

The proposed use is consistent with the requirements of the policies of the comprehensive plan.

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.

Transitional buffer zones are not required.

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

Adequate provision of refuse and services areas will be provided in the facility.

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

There appears to be no compelling reason for limiting the duration of the requested Special Land Use Permit.

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.

The proposed use is in an existing family home and is consistent with nearby single-family homes. The applicant has no plans for expansions or additions that will cause inconsistency with adjacent lots and buildings.

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

There are no known historic buildings, sites, districts or archaeological resources in the immediate area that will be adversely affected by the proposed use.

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

The existing driveway is not elevated and can accommodate four vehicles.

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.

The proposed use will be an existing home, thus, no adverse impacts from the building height will be created.

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.

The proposed use shows consistency with the needs of the community. The proposed use shows consistency with the Comprehensive Plan.

ADDITIONAL CRITERIA FOR SPECIFIED USES

C. Child daycare 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 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.

Parking will be available in my driveway. My driveway is standards size. The outdoor play area is fully fenced. Children will not disrupt or be able to get into neighboring properties.

2. Whether there is an adequate and safe location for the dropping off and picking up of children at the child day care facility.

Drop off and pick up will occur in my residence. Parents will enter my residence, drop off and pick up their children from there. My driveway is standard size so there is enough space for children to be unloaded and loaded into their cars without posing any danger.

3. 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.

I don't plan on expanding or making any constructional changes to my home.



GEORGIA EDUCATOR CERTIFICATE

Georgia Professional Standards Commission
200 Piedmont Avenue, Suite 1712
Atlanta, GA 30334-9032

The Georgia Professional Standards Commission affirms that this individual has met the requirements for a Georgia Educator Certificate as indicated.

Wendy A Rios Ochoa
6168 Marbut rd
Lithonia, GA 30058

Certificate Number	Date Printed
1484655	10/4/2021
Certificate Level	Effective Date
4	7/1/2017

Title/Type	Field	Validity Period
PRT	ESOL ENDORSEMENT [FLD825]	07/01/20 TO 06/30/25
PRT	READING ENDORSEMENT [FLD833]	07/01/20 TO 06/30/25
PRT	SP ED GENERAL CURRICULUM (P-12) CONSULTATIVE [FLD798]	07/01/20 TO 06/30/25
PRT	SP ED LANGUAGE ARTS COGNITIVE LEVEL (P-5, 4-8) [FLD931]	08/09/21 TO 06/30/25
PRT	SP ED MATH COGNITIVE LEVEL (P-5) [FLD910]	07/01/20 TO 06/30/25
PRT	SP ED READING COGNITIVE LEVEL (P-5, 4-8) [FLD951]	08/09/21 TO 06/30/25
PRT	SP ED SCIENCE COGNITIVE LEVEL (P-5) [FLD920]	07/01/20 TO 06/30/25
PRT	SP ED SOCIAL SCIENCE COGNITIVE LEVEL (P-5, 4-8) [FLD941]	08/09/21 TO 06/30/25

The Performance-Based Professional teaching certificate is a Georgia professional certificate issued to educators who have completed all requirements for professional certification in a teaching field, including applicable Special Georgia Requirements. It is part of Georgia's tiered teacher certification system and is issued to educators who have been evaluated on the statewide evaluation system for a minimum of 2 years. You must satisfy the following requirements (described in detail in separate correspondence) during the validity period of this certificate: Complete Renewal Requirements; Earn Proficient or Exemplary evaluation ratings.

C CLEARANCE CERTIFICATE [FLD694] 07/01/20 TO 06/30/25

Please see the last page for legends and other information

The holder of this certificate is responsible for being knowledgeable about current and revised rules.

Brian Sirmans
Chair

Any alteration of this certificate will render it void

AUTHORITY

This certificate has been issued by the authority granted to the Georgia Professional Standards Commission (GaPSC) pursuant to O.C.G.A. Section 20-2-200 and conforms to the published rules of the Commission. The rules of the Commission are on file in the offices of the GaPSC, public school systems, teacher education colleges, Regional Educational Service Agencies, the Office of the Secretary of State, and on the GaPSC web site at www.gapsc.com.

LIMITATIONS

The information shown on this certificate is subject to conditions specified in any previous correspondence, documentation accompanying this certificate, and current rules of the Commission. Certification rules are subject to change. The holder of this certificate is responsible for being knowledgeable about current and revised rules and for securing the appropriate certificate to practice in Georgia.

CORRECTION OF CERTIFICATES

Questions about your certificate should be directed to your employer's personnel officer or to the GaPSC. If there appears to be an error on your certificate, please mail or email a letter of explanation to the GaPSC within forty-five (45) days of issuance. An incorrectly issued certificate may be recalled.

DATING OF CERTIFICATES

Effective Date	The effective date of the certificate LEVEL indicates the earliest date (on or after July 1, 1993) the corresponding certificate level is recognized. The effective date may be determined by the date requirements were completed or the date application materials were received.
Validity Period	A validity period is established for each FIELD of certification and varies according to the conditions of issue.
Print Date	The date the certificate is printed has no effect on the validity period or effective date.

CERTIFICATE LEVEL

Each certificate is assigned a general level. This level applies to all fields held by an individual and indicates the GaPSC-determined equivalent of an individual's level of education. A certificate may also be assigned a leader level. The leader level is only applicable when the certificate holder is working in a leadership position. Generally, the certificate level equates to the education degree level completed as follows:

Level 1 - High School Diploma, GED	Level 5 - Master's degree
Level 2 - Associates degree	Level 6 - Education Specialist, MFA, All But Dissertation.
Level 4 - Bachelor	Level 7 - Ph.D., Ed.D, GaPSC-determined equivalent

FIELDS

The certificate field indicates the educational assignment in which the individual is authorized to practice in Georgia. The unique certification field code is enclosed in square brackets at the end of the field name.

CODES

Certificate codes are specific letters which identify particular types and titles of certificates. For descriptions of these certificates and their qualifications, please visit the GaPSC web site at www.gapsc.com.

AP	Advanced Professional	MB	Military Support Provisional
B	Provisional	MS	Military Support
D	Life	SR	Standard Professional
I1	One-Year Induction	W	Waiver
I3	Three-Year Induction	X	International Exchange
I5	Five-Year Induction	AIDE	Non-Instructional Aide
IN	Induction	C	Clearance Certificate
LP	Lead Professional	EI	Educational Interpreter License
N	Non-Renewable Professional	J	Adjunct
NP	Non-Renewable Performance-Based	L	Leadership
N1	One-Year Non-Renewable Professional	P	Permit
N3	Three-Year Non-Renewable Professional	PARA	Paraprofessional
PR	Performance-Based Professional	S	Service
PS	Pre-Service	SP	Support Personnel
SI	Supplemental Induction	T	Teaching
M	Montessori		

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: 7-23-2022

TO WHOM IT MAY CONCERN:

(I), (WE) Pedro U Rios Garcia
Name of owner(s) (if more than one owner, attach a separate sheet)

Being (owner) (owners) of the subject property described below or attached hereby delegate authority to

Wendy A. Rios Ochoa
Name of Agent or Representative

to file an application on (my), (our) behalf.

Notary Public




Notary Public

Notary Public

Notary Public

Notary Public

Owner



Owner

Owner

Owner

Owner

KENDALL GREY
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires Aug. 26, 2022

Campaign Disclosure Statement

I have never made any contribution towards any campaigns.

SLUP for In-Home Child Day Care Facility

Furman, Melora L. <mlfurman@dekalbcountyga.gov>

Tue 6/28/2022 12:59 PM

To: wendychoa1@hotmail.com <wendychoa1@hotmail.com>

Cc: Bragg, Rachel L. <RLBragg@dekalbcountyga.gov>

2 attachments (792 KB)

6168 Marbut base map.pdf; 6168 Marbut aerial view.pdf;

Ms. Ochoa:

In a phone call earlier today, you said that you've gotten a quote from a surveyor that an as-built survey will cost approximately \$3,000. I spoke to Manager Rachel Bragg, and we recognize that costs for surveys are currently very high. Instead of the survey, you can use the attached base map and aerial photo for the application. You may wish to put a copy of this e-mail in your application.

Melora Furman, AICP

Senior Planner

DeKalb County Dept. of Planning and Sustainability

Current Planning Section

178 Sims Street, Floor 3

Decatur, GA 30030

(478) 542-3022

Contact the Permits Section at permitinfo@dekalbcountyga.gov or visit the Planning & Sustainability web site at <https://www.dekalbcountyga.gov/planning-and-sustainability/permits-plan-review-inspections> for information about building permits or certificates of occupancy.

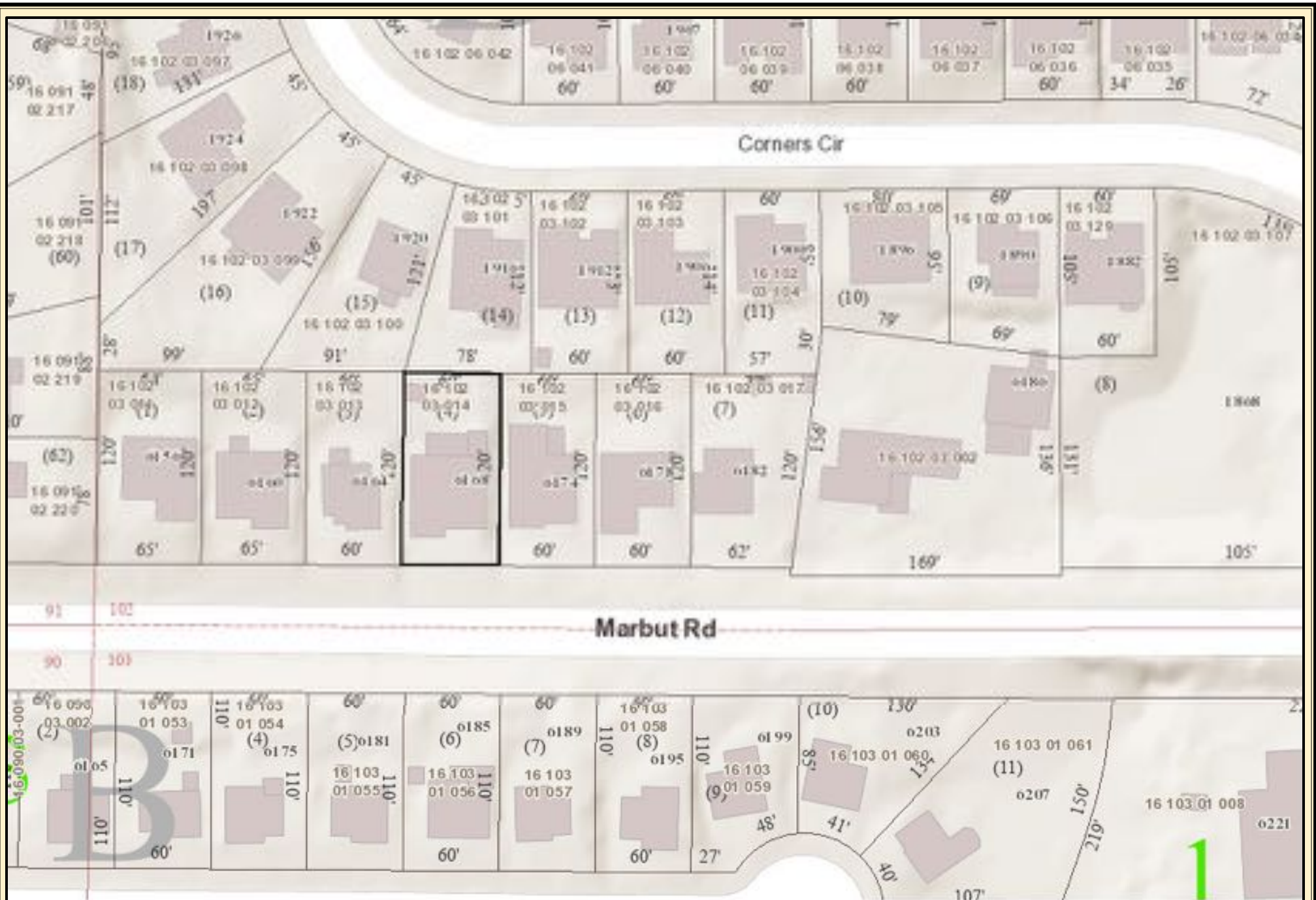
Please contact business licenses division at BLicense@dekalbcountyga.gov for information about business licenses.

The DeKalb County zoning map is now on-line at

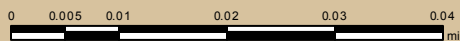
<https://dekalbgis.maps.arcgis.com/apps/webappviewer/index.html?id=f241a753f414cd9a31c11de0224584>

The DeKalb County Zoning Ordinance is on-line at

https://library.municode.com/ga/dekalb_county/codes/code_of_ordinances



DeKalb County Parcel Map



Date Printed: 6/28/2022



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DeKalb County Parcel Map

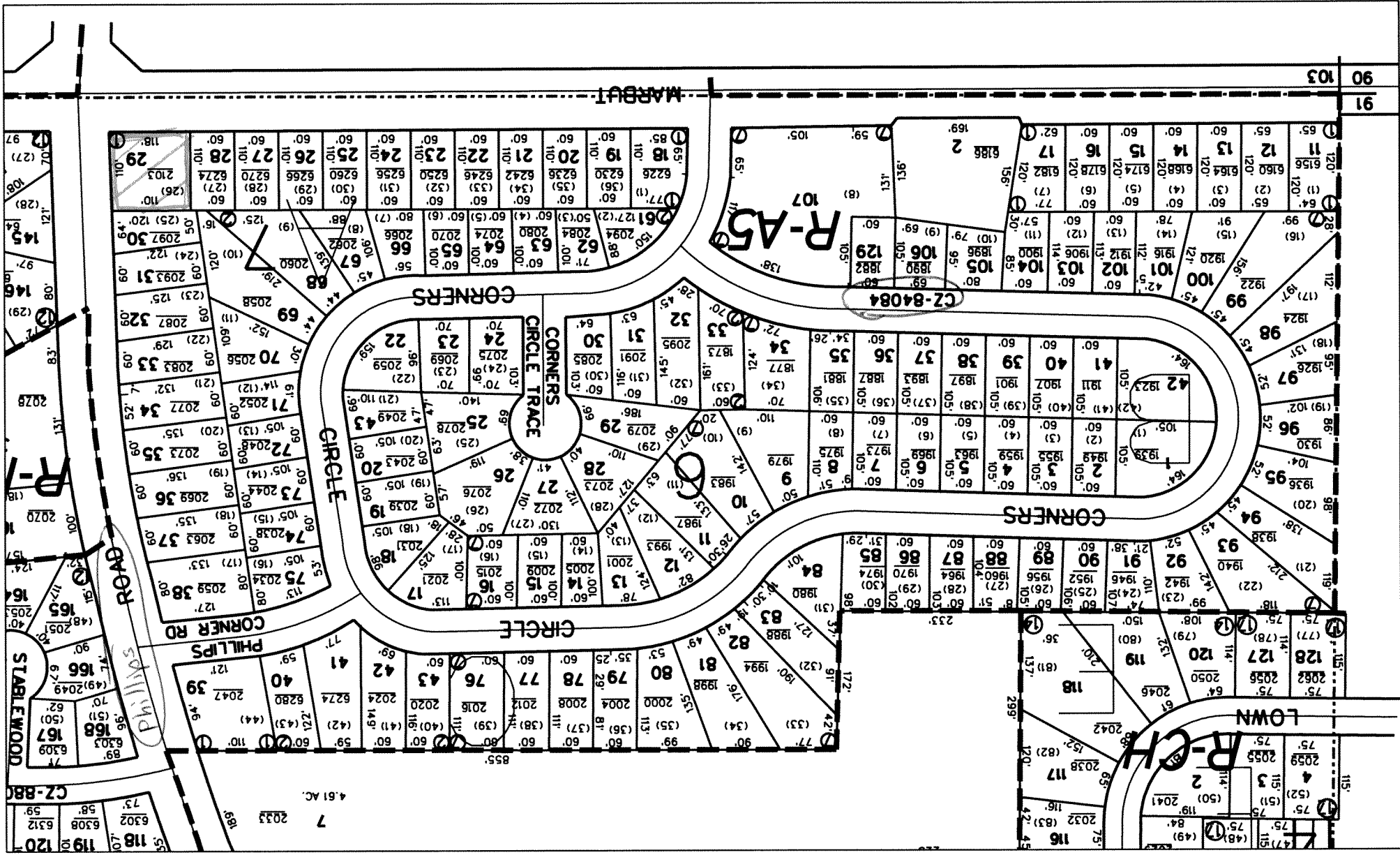
0 0.00225 0.0045 0.009 0.0135 0.018 mi

Date Printed: 6/28/2022



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CHARLES COLEMAN
PLANNING

MINUTES OF DEKALB COUNTY BOARD OF COMMISSIONERS

431

May 22, 1984

9:00 A.M.

STATE OF GEORGIA
COUNTY OF DEKALB

The regular public meeting of the Board of Commissioners of DeKalb County, Georgia was held Tuesday, May 22, 1984, at 9:00 A.M., in the Conference Room, Ninth Floor, DeKalb County Courthouse, Decatur, Georgia, and reconvened in the Main Auditorium at 1:00 P.M. for the Zoning Hearing, with Chairman Manuel J. Maloof presiding.

Members
Present:

ATTENDANCE

Manuel J. Maloof, Jean F. Williams, Liane Levetan, John Evans,
James M. Patterson, Robert E. Lanier, Brince H. Manning, III.

Staff
Present:

Gail C. Flake, Deputy County Attorney; Frank E. Jenkins,
Assistant County Attorney in Cable and Zoning Items; Gretta
Dewald, Executive Assistant; David W. Joyner, Clerk, Gene H.
Doi, Deputy Clerk.

Invocation:

The invocation was given by the Reverend Frank D. Maddox,
Minister, Antioch A.M.E. Church.

ORDER OF BUSINESS

A) 0110

The Chairman called for approval of the Minutes of the last regular Commission meeting of May 8, 1984, the Executive Session of May 8, 1984, and the Special Called Meeting of May 15, 1984.

B) Minutes
05-08-84
Approved

MOTION was made by Commissioner Manning, seconded by Commissioner Levetan and unanimously passed, to approve the Minutes of the May 8, 1984 meeting as submitted.

C) Com. Mtg.
Regular

MOTION was made by Commissioner Manning, seconded by Commissioner Williams to approve the Executive Session of May 8, 1984 as corrected to show Commissioner Patterson's vote as opposed to the item.

ZONING HEARING-Cont.

459

1. Z-84096
16-121-2-3

Commissioner District 4
Planning District 7

5230

Zoning:
Harold O.
Giles, Jr.

APPLICATION OF HAROLD O. GILES, JR., to rezone property located on the north side of Parkway Road, approximately 1,368' east of Lithonia Industrial Boulevard, from R-75 to M. The property has frontage of 760' and contains 7 acres.

Kathy Beard, Attorney, 3414 Peachtree Street, Atlanta, Ga. 30318, represented the applicant.

Opposition: None.

PLANNING DEPARTMENT RECOMMENDATION: Denial. The application proposes a further encroachment of industrial zoning into a residential community. The only means of access to this property is through Parkway Road, a 20' residential street which is inadequate for truck and other industrial traffic generation.

PLANNING COMMISSION RECOMMENDATION: Denial.

DECISION:

MOTION was made by Commissioner Lanier, seconded by Commissioner Williams, and passed 6-0-0, to allow withdrawal without prejudice.

Commissioner Manning absent.

2. Z-84084
16-102-3-2 & 3

Commissioner District 4
Planning District 7

A) 5230

B) Zoning:
Benchmark
Investment
Company

APPLICATION OF BENCHMARK INVESTMENT COMPANY to rezone property located at the northwest intersection of Phillips Road and Marbut Road from R-100 to R-A5. The property has frontage of 845' on Phillips Road, 1,461' on Marbut Road and contains 27.1 acres.

Mr. Bucky Davis represented the applicant.

Opposition: Mr. Bill Derline, 2111 Phillips Road, Lithonia, Ga. 30058, stated that he would have no objection to the development if the houses are detached. Mrs. Derline asked for assurance that the proposed houses would face Phillips Road.

Mr. Davis stated they are agreeable to conditions 1. and 2. as recommended by the Planning Department. They plan to have a mixture of house sizes with a minimum floor area of 1,200 square feet. Some will be larger. The price range will be \$40,000 to \$50,000.

PLANNING DEPARTMENT RECOMMENDATION: Approval with conditions. Subject property is adjoined by R-A5 (5 units per acre) on the south side of Marbut Road and R-CD (4.5 units per acre) on the west. Rezoning is considered appropriate subject to conditions which lessen the development impact as follows:

1. Maximum density of 4.5 units per acre.
2. Detached residential.
3. Minimum floor area of 1,400 square feet.
4. Subdivision designed so that individual driveways provide access to the interior street system and not directly to Marbut or Phillips Roads.

PLANNING COMMISSION RECOMMENDATION: Approval per staff.

C) Phillips
Road/ Marbut
Road

REZONING HEARING-Cont.

460

2. APPLICATION OF BENCHMARK INVESTMENT COMPANY-cont.DECISION:

MOTION was made by Commissioner Lanier, seconded by Commissioner Patterson and passed 6-0-1, to approve the application subject to conditions 1. and 2. as recommended by the Planning Department, and added conditions to exclude vinyl and aluminum sidings, and houses to face Phillips Road.

Abstained: Commissioner Manning.

3. Z-84094 Commissioner District 4
16-71-1-pt. 1 Planning District 7

5230

Zoning:
Dogwood
Properties,
Inc.

Panola Road/
Marbut Road

APPLICATION OF DOGWOOD PROPERTIES, INC., to rezone property located on the east side of Panola Road, 1,231' south of Marbut Road, from R-100 to R-A5. The property has frontage of 430' and contains 17.85 acres.

Mr. Jack Swertfeger, Jr., Attorney, 1363 N. Decatur Road, Atlanta, represented the applicant.

Opposition: None.

PLANNING DEPARTMENT RECOMMENDATION: Approval with conditions. The property is adjoined by R-CD to the south and is located close to R-A5 (detached) zoning to the north. Staff recommendation incorporates the following conditions:

1. Development is limited to detached housing with density not to exceed 4.5 units per acre.
2. Roads to be public roads.
3. Lots which adjoin Panola Road shall be the minimum of R-100 and developed with a minimum of 1,500 square-foot houses.
4. Houses on lots adjoining Panola Road shall not back up to Panola Road.
5. Road location at Panola Road to be approved by the Roads & Drainage Director.

PLANNING COMMISSION RECOMMENDATION: Approval per staff except change condition #1 to five units per acre.

DECISION:

MOTION was made by Commissioner Lanier, seconded by Commissioner Manning and unanimously passed, to approve the application in accordance with the recommendation of the Planning Commission.

Commissioner District 4

CZ-84084

16-102-3-243

Benchmark Investment Co

R-100 to R-A5

P.O. Rec. Appraisal w/cont.

P.C. " " " 5-1-82

B.C. Approved w/cont. 5-22-82

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

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(s): Wendy Bios Ochoa
Phone: (678) 650-6262 Email: wendyoschoa1@hotmail.com
Property Address: 6168 Marbut Road
Tax Parcel ID: 16-102-03-014 Comm. District(s): 5 & 7 Acreage: 1.2 (8,712 s.f.)
Existing Use: S-F residence Proposed Use: In-home family day care
Supplemental Regs: yes Overlay District: NO DRI: NO
Rezoning: Yes ☐ No ☐
Existing Zoning: R-100 Proposed Zoning: _____ Square Footage/Number of Units: _____
Rezoning Request: condition CZ-84084

Land Use Plan Amendment: Yes ☐ No ☒

Existing Land Use: _____ Proposed Land Use: _____ Consistent ☐ Inconsistent ☐

Special Land Use Permit: Yes ☒ No ☐

Special Land Use Request(s) _____

Major Modification: Yes ☐ No ☒

Existing Case Number(s): _____

Condition(s) to be modified: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: ☒ Review Calendar Dates: ☒ PC: ☒ BOC: ☒
 Letter of Intent: ☒ Impact Analysis: ☒ Owner Authorization(s): ☒ Campaign Disclosure: ☒
 Zoning Conditions: ☐ Community Council Meeting: ☒ Public Notice, Signs: ☒
 Tree Survey, Conservation: ☐ Land Disturbance Permit (LDP): ☐ Sketch Plat: ☐
 Bldg. Permits: ☐ Fire Inspection: ☐ Business License: ☐ State License: ☐
 Lighting Plan: ☐ Tent Permit: ☐ Submittal Format: **NO STAPLES, NO BINDERS PLEASE**

Review of Site Plan *no site plan presented*

Density: ☐ Density Bonuses: ☐ Mix of Uses: ☐ Open Space: ☐ Enhanced
 Open Space: ☐ Setbacks: front ☐ sides ☐ side corner ☐ rear ☐ Lot Size: ☐
 Frontage: ☐ Street Widths: ☐ Bicycle Lanes: ☐ Landscape Strips: ☐ Buffers: ☐
 Parking Lot Landscaping: ☐ Parking - Auto: ☐ Parking - Bicycle: ☐ Screening: ☐
 Streetscapes: ☐ Sidewalks: ☐ Fencing/Walls: ☐ Bldg Height: ☐ Bldg.
 Orientation: ☐ Bldg. Separation: ☐ Bldg. Materials: ☐ Roofs: ☐ Fenestration: ☐
 Façade Design: ☐ Garages: ☐ Pedestrian Plan: ☐ Perimeter Landscape Strip: ☐
 Possible Variances: ☐

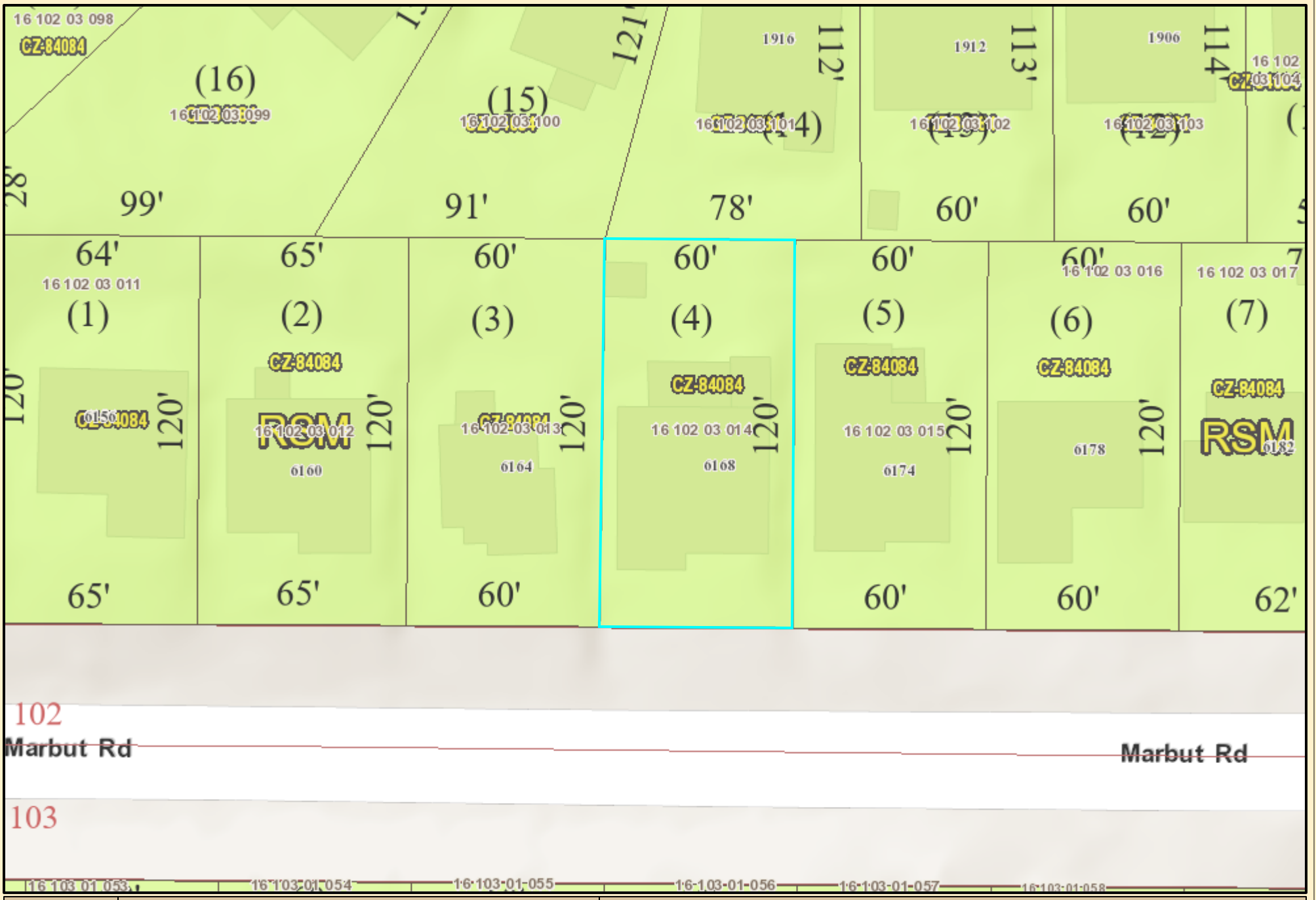
Comments: *Acc. to Bright From The Start day care finder map, the closest family day care is at 1793 Springwater Way, more than 4,000 ft. from subject property.*

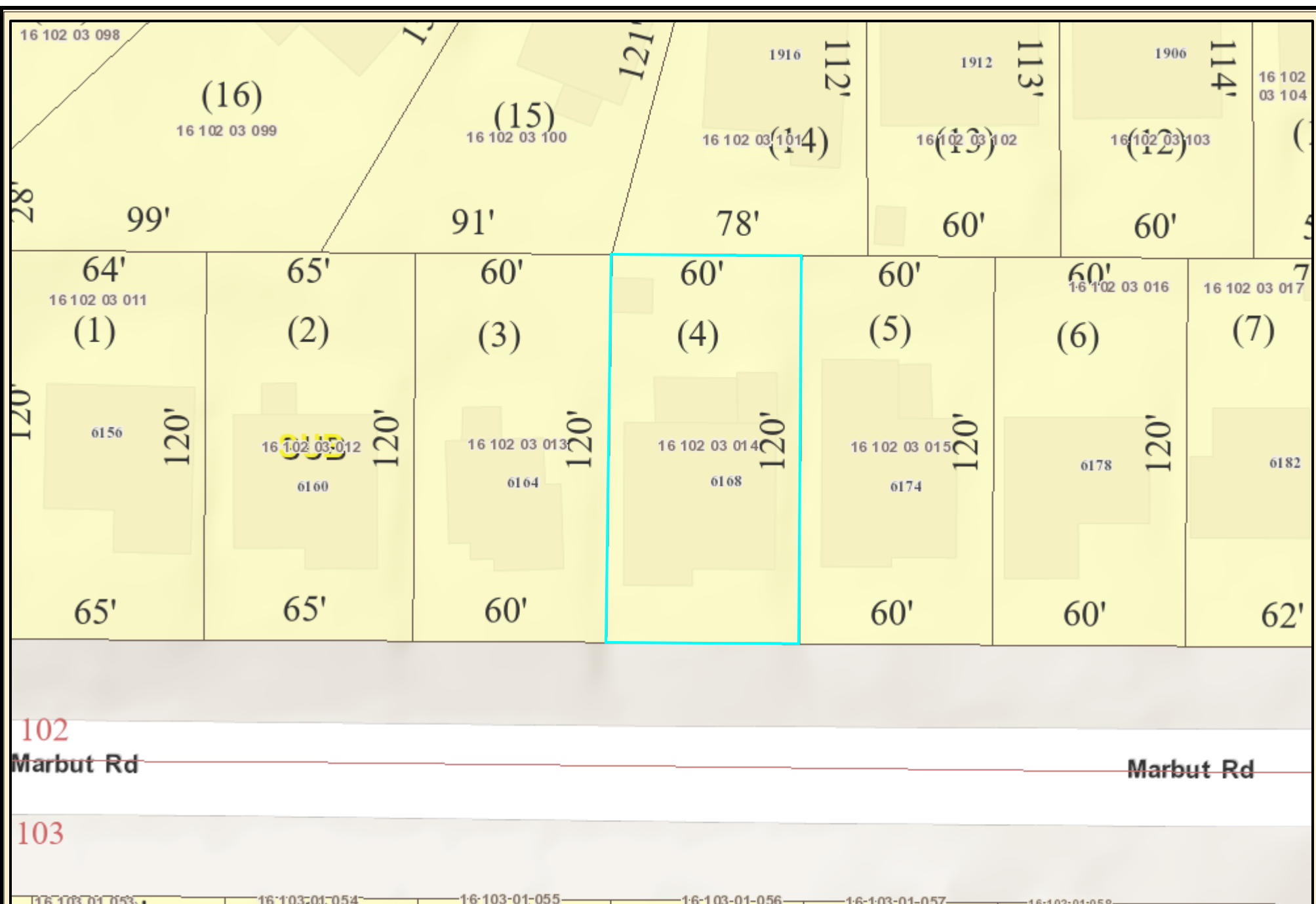
Planner: *Melora Furman*

Date *6/23/22*

Filing Fees

REZONING:	RE, RLG, R-100, R-85, R-75, R-65, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M-1, M-2	\$750.00
LAND USE MAP AMENDMENT		\$500.00
SPECIAL LAND USE PERMIT		\$400.00





102
Marbut Rd

103

16 103 01 053 16 103 01 054 16 103 01 055 16 103 01 056 16 103 01 057 16 103 01 058



6168 Marbut Road FLU Map

0 0.00225 0.0045 0.009 0.0135 0.018 mi

Date Printed: 10/27/2022



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