

Public Hearing: YES  NO

Department: Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S): DISTRICT 05 SUPER DISTRICT 07**

**Application of Wendy Rios Ochoa for a renewal of a Special Land Use Permit (SLUP) to operate a child day care for up to 6 children in the RSM (Small Lot Residential Mix) zoning district, at 6168 Marbut Road.**

**PETITION NO: N2-2024-0362 SLUP-24-1246895**

**PROPOSED USE:** Child day care, up to six (6).

**LOCATION:** 6168 Marbut Road, Lithonia, Georgia 30058

**PARCEL NO. :** 16-102-03-014

**INFO. CONTACT:** Lucas Carter, Planner

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of Wendy Rios Ochoa for a renewal of a Special Land Use Permit (SLUP) to operate a child day care for up to 6 children in the RSM (Small Lot Residential Mix) zoning district.

**RECOMMENDATION:**

**COMMUNITY COUNCIL: (April 8, 2024) Approval.**

**PLANNING COMMISSION: (May 2, 2024) Pending.**

**PLANNING STAFF: Approval with conditions.**

**STAFF ANALYSIS:** The applicant is seeking a renewal of their special land use permit (SLUP) for a child day care facility (up to six (6) children) which was originally approved by the Board of Commissioners on 11/17/2022. The facility has operated in compliance with regulation since 2022, currently serving 4 students. Approval of this request will allow the use to continue. The requested use continues to be 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 serves the needs of its immediate residential community. The site has proven adequate for a small childcare service in a residential setting. Adverse impacts based on the manner and time of operation should continue to be minimal. The proposed hours of operation would continue to be “would be 7:00am to 5:30pm Mon-Fri.” No significant regulatory issues have been raised related the proposed operation over the last 18 months. 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 with Section 42.19 (D). Since the original SLUP approval by the Board of Commissioners there have been no complaints or citations issued. Therefore, it appears that the child day care operation has maintained compatibility with the surrounding residential neighborhood. 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 renewal request, subject to the attached conditions”.

**PLANNING COMMISSION VOTE: (May 2, 2024) Pending.**

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: (April 8, 2024) Approval 9-0-0.**

**SLUP-24-1246895 (2024-0362)**  
**Recommended Conditions – May 2024**  
**6168 Marbut Road**

1. The operation shall always comply with Sec. 4.2.19 (Child Daycare 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](http://www.dekalbcountyga.gov/planning)

**Planning Commission Hearing Date: May 2, 2024**  
**Board of Commissioners Hearing Date: May 23, 2024**

**STAFF ANALYSIS**

<b>Case No.:</b>	SLUP-24-1246895	<b>Agenda #:</b> 2024-0362
<b>Location/Address:</b>	6168 Marbut Road Lithonia, GA 30058	<b>Commission District:</b> 05 <b>Super District:</b> 07
<b>Parcel ID(s):</b>	16-102-03-014	
<b>Request:</b>	Renewal of Special Land Use Permit to operate an in-home childcare facility for up to six children as required by conditions of SLUP 24-1246059	
<b>Property Owner(s):</b>	Pedro Rios Garcia	
<b>Applicant/Agent:</b>	Wendy Rios Ochoa	
<b>Acreage:</b>	0.16 acres	
<b>Existing Land Use:</b>	Residential	
<b>Surrounding Properties:</b>	North: RSM East: RSM South: RSM West: RSM	
<b>Comprehensive Plan:</b>	<b>SUB</b>	<b>Consistent</b> <input checked="" type="checkbox"/> <b>Inconsistent</b> <input type="checkbox"/>

**Staff Recommendation:** Approval with conditions.

The applicant is seeking a renewal of their special land use permit (SLUP) for a child day care facility (up to six (6) children) which was originally approved by the Board of Commissioners on 11/17/2022. The facility has operated in compliance with regulation since 2022, currently serving 4 students. Approval of this request will allow the use to continue. The requested use continues to be 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 serves the needs of its immediate residential community.

The site has proven adequate for a small childcare service in a residential setting. Adverse impacts based on the manner and time of operation should continue to be minimal. The proposed hours of operation would continue to be “would be 7:00am to 5:30pm Mon-Fri.” No significant regulatory issues have been raised related the proposed operation over the last 18 months. 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 with Section 42.19 (D). Since the original SLUP approval by the Board of

Commissioners there have been no complaints or citations issued. Therefore, it appears that the child day care operation has maintained compatibility with the surrounding residential neighborhood.

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 renewal request, subject to the following conditions:

1. The operation shall always comply with Sec. 4.2.19 (Child Daycare facility (up to six children) ...) of the *Zoning Ordinance*.



## Zoning Comments – May 2024

**N1. 15-193-09-024.** No on-street parking allowed on South Hairston Road or Lost Colony Drive as part of the SLUP comments. IF a Land Development Permits is required for this project- please see infrastructure requirements in Zoning Code 5.4.3 and Land Development Code 14-190. South Hairston 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 10-foot landscape strip (with at least 5 feet between the back of curb and the sidewalk/path) 6 foot sidewalk with 4 foot bike lanes OR (preferred) 10 foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. ([hefowler@dekalbcountyga.gov](mailto:hefowler@dekalbcountyga.gov)) Lost Colony Drive 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. Requires pedestrian scale streetlights. ([hefowler@dekalbcountyga.gov](mailto:hefowler@dekalbcountyga.gov)). No poles may remain within the limits of the path/sidewalk on either street.

**N2. 16-102-03-014.** No comment on SLUP

**N3. 15-154-01-095.** No Comment on SLUP. Shamrock Drive and Kennard Lane are both classified as local roads. IF a Land Development Permit is required for this project- please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. 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. Requires pedestrian scale streetlights. ([hefowler@dekalbcountyga.gov](mailto:hefowler@dekalbcountyga.gov)). No poles may remain within the limits of the path/sidewalk on either street.

**N4. 18-028-03-003** No comment on SLUP. IF a Land Development Permits is required for this project- please see infrastructure requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Mountain Harbor 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. Requires pedestrian scale streetlights. ([hefowler@dekalbcountyga.gov](mailto:hefowler@dekalbcountyga.gov)). No poles may remain within the limits of the path/sidewalk.

**N5. 18-050-14-021.** For SLUP: add concrete island to protect the power pole in front of 558. IF a Land Development Permits is required for this project- please see infrastructure requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Medlock Road 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. Requires pedestrian scale streetlights. ([hefowler@dekalbcountyga.gov](mailto:hefowler@dekalbcountyga.gov)). No poles may remain within the limits of the path/sidewalk.

**N6. 15-021-01-015 & 15-021-01-016.** In Overlay District. Where overlay is silent- the Zoning Code and Land Development Codes are applied. All interior neighborhood streets are to be private. Existing house driveway must be discussed further. Intentions of this structure unknown at this time. Bouldercrest Rd 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 10-foot landscape strip (with at least 5 feet between the back of curb and the sidewalk/path) 6 foot sidewalk with 4 foot bike lanes OR (preferred) 10 foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. ([hefowler@dekalbcountyga.gov](mailto:hefowler@dekalbcountyga.gov)) Cedar Grove Road is classified as a minor arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with 6 foot sidewalk with 4 foot bike lanes OR (preferred) 10 foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. ([hefowler@dekalbcountyga.gov](mailto:hefowler@dekalbcountyga.gov))

**N7. 16-094-01-074, 16-094-01-075, 16-094-01-076.** No Comment on SLUP. IF a Land Development Permits is required for this project- please see infrastructure requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Paul Road 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. Requires pedestrian scale streetlights. ([hefowler@dekalbcountyga.gov](mailto:hefowler@dekalbcountyga.gov)).

**N8 & 9. 3901 Durham Park Road.** Applicant is required complete all items in the Atlanta Regional Commission's Attachment A in the Notice of Decision, once approved, in addition to requirements of the Zoning Code, Land Development Code and PW-Transportation Division. Durham Park Road is classified as a local road. However, a 10-foot multiuse path will be required along the frontage due to the direct multimodal connection to the MARTA station. 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 between the back of curb and the 10-foot multiuse path. Requires pedestrian scale streetlights. ([hefowler@dekalbcountyga.gov](mailto:hefowler@dekalbcountyga.gov)). Coordination with the GDOT Major Mobility Investment Program (MMIP) I-285 Managed Lane Project is required. (Tim W. Matthews, State Express Lanes Administrator, [TMatthews@dot.ga.gov](mailto:TMatthews@dot.ga.gov) or Xavier James at [xjames@dot.goa.gov](mailto:xjames@dot.goa.gov).) MARTA is required to construct a multi-use path, at least 10 feet in width, through the property to connect Durham Park Road to Redan Road.



04/03/2024

To: 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. Recommendation: Provide trash can with liner at each bus stop with bench and monitor for proper removal of waste.

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

4/1/2024

N.1

2024-0361 / SLUP-24-1246747 15-193-09-024

1584 S Hairston Road, Stone Mountain, GA 30088

Amendment

- Review general comments
- DeKalb County Public Health prohibits use of on-site sewage disposal systems for child or adult day care facilities with more than six (6) clients.

N.2

2024-0362 /SLUP-1246895 16-102-03-014

6168 Marbut Road, Lithonia, GA 30058

Amendment

- Please review general comments.
- DeKalb County Public Health prohibits use of on-site sewage disposal systems for child or adult day care facilities with more than six (6) clients.
- Note: There are indications of septic installed on several surrounding properties.

N.3

2040-0363 SLUP-24-12446906 15-154-01-095

2135 Shamrock Drive, Decatur, GA 30032

Amendment

- Please review general comments.
- Note: There are indications of septic installed on several surrounding properties.



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID [jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov) AND/OR LASONDRA HILL [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)**

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**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:**

- **Transportation/Access/Row**

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- **Storm Water Management**

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- **Flood Hazard Area/Wetlands**

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- **Landscaping/Tree Preservation**

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- **Tributary Buffer**

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- **Fire Safety**

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**DEKALB COUNTY  
GOVERNMENT PLANNING  
DEPARTMENT DISTRIBUTION  
FORM**

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

Case No.: \_\_\_\_\_ Parcel I.D. #: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WATER:**

Size of existing water main: \_\_\_\_\_ (adequate/inadequate)

Distance from property to nearest main: \_\_\_\_\_ Size of line required, if inadequate: \_\_\_\_\_  
\_\_\_\_\_

**SEWER:**

Outfall Servicing Project: \_\_\_\_\_

Is sewer adjacent to property: Yes \_\_\_\_ No \_\_\_\_ If no, distance to nearest line: \_\_\_\_\_

Water Treatment Facility: \_\_\_\_\_ adequate \_\_\_\_ inadequate \_\_\_\_

Sewage Capacity: \_\_\_\_\_ (MGPD) Current Flow: \_\_\_\_\_ (MGPD)

**COMMENTS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_



**DEKALB COUNTY  
GOVERNMENT PLANNING  
DEPARTMENT DISTRIBUTION  
FORM**

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**COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-24-1246895 Parcel I.D. #: 16-102-03-014

Address: 6168 Marbut Rd, Lithonia, GA 30058

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) 6/7<sup>th</sup> 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. No problem that would interfere with Traffic flow.

Signature: Joey White





**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

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**REZONE  
COMMENTS FORM:**

**PUBLIC WORKS ROAD AND DRAINAGE**

Case No.: \_\_\_\_\_ Parcel I.D. #: \_\_\_\_\_

Address: \_\_\_\_\_

Drainage Basin: \_\_\_\_\_

Upstream Drainage Area: \_\_\_\_\_

Percent of Property in 100-Year Floodplain: \_\_\_\_\_

Impact on property (flood, erosion, sedimentation) under existing zoning: \_\_\_\_\_

Required detention facility(s): \_\_\_\_\_

**COMMENTS:**

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Signature: Akin A. Akinsola





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: 6786506262 E-Mail: wendyochoa1@hotmail.com

Mailing Address: 6168 Marbut rd. Lithonia, GA 30058

Owner Name: Pedro U. Rios Garcia
(If more than one owner, attach contact information for each owner)

Daytime Phone: 404-789-1665 E-Mail: pedrorios411@gmail.com

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

6168 Marbut rd.

SUBJECT PROPERTY ADDRESS OR LOCATION: Lithonia, 30058 DeKalb County, GA

Parcel ID: 16-102-03-014 Acreage or Square Feet: 0.16 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: [checkmark]

Signature of Applicant: \_\_\_\_\_



DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer  
Michael Thurmond

Interim Director  
Cedric Hudson

**SPECIAL LAND USE PERMIT (SLUP) APPLICATION CHECKLIST**

**EMAIL COMPLETED PACKET IN ONE (1) PDF to PLANNER**

- W.R. 1. Schedule a mandatory **Pre-Application Conference** with Planning & Sustainability staff by appointment. Pre-Application form (to be completed in pre-application meeting). Please email [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov) for appointment.
- W.R. 2. Hold a **Pre-Submittal Community Meeting** with surrounding neighborhood associations and residents. Provide documentation of the meeting (meeting notice and sign in sheets). Letter(s) from homeowners' association(s) may also be provided.
- W.R. 3. Submit: **Application** - Submit 1 complete, combined PDF version via email or flash drive. Please assemble materials in the following order:
- W.R.     **A. Application form** with name and address of applicant and owner, and address of subject property;
- W.R.     **B. Pre-submittal community meeting notice and sign-in sheet** and other documentation of meeting, if any;
- W.R.     **C. Letter of application and impact analysis**
- W.R.         1. **Letter of application** identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g., floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation), d)(optional) statement of conditions discussed with the neighborhood or community, if any.
- W.R.         2. **Impact analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.
- W.R.     **D. Authorization Form**, if applicant is not the owner. Must be signed by all owners of the subject property and notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property. Please include warranty deed, if property ownership is less than 2 years.
- W.R.     **E. Campaign disclosure statement** (required by State law).
- W.R.     **F. Legal boundary survey** of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. (If survey shows property on opposite sides of a public street right-of-way, file a separate application for each property.)
- W.R.     **G. Site Plan**, printed to scale, folded, of any existing and or proposed development/redevelopment. For projects larger than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following
- W.R.         a. boundaries of subject property;
- W.R.         b. dimensioned access points and vehicular circulation drives;
- W.R.         c. location of all existing and proposed buildings, structures, setbacks and parking;
- W.R.         d. location of 100-year floodplain and any streams;
- W.R.         e. notation of the total acreage or square footage of the subject property;
- W.R.         f. landscaping, tree removal and replacement, buffer(s); and
- W.R.         g. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.
- W.R.     **H. Written Legal Description** of metes and bounds of the subject property (can be printed on site plan or survey).
- W.R.     **I. Building Form Information.** Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.
- W.R.     **J. Completed, signed Pre-application Form** (Provided at pre-application meeting.)

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



### 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  \*

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.

SA Dyer  
Notary

02/10/2024

[Signature]  
Signature of Applicant /Date

Check one: Owner \_\_\_\_\_ Agent

\_\_\_\_\_  
Expiration Date/ Seal

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



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: 2/10/2024

TO WHOM IT MAY CONCERN:

(I), (WE) Pedro U Rios Garcia  
Name of owners(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.



[Signature]  
Notary Public

[Signature]  
Owner

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner

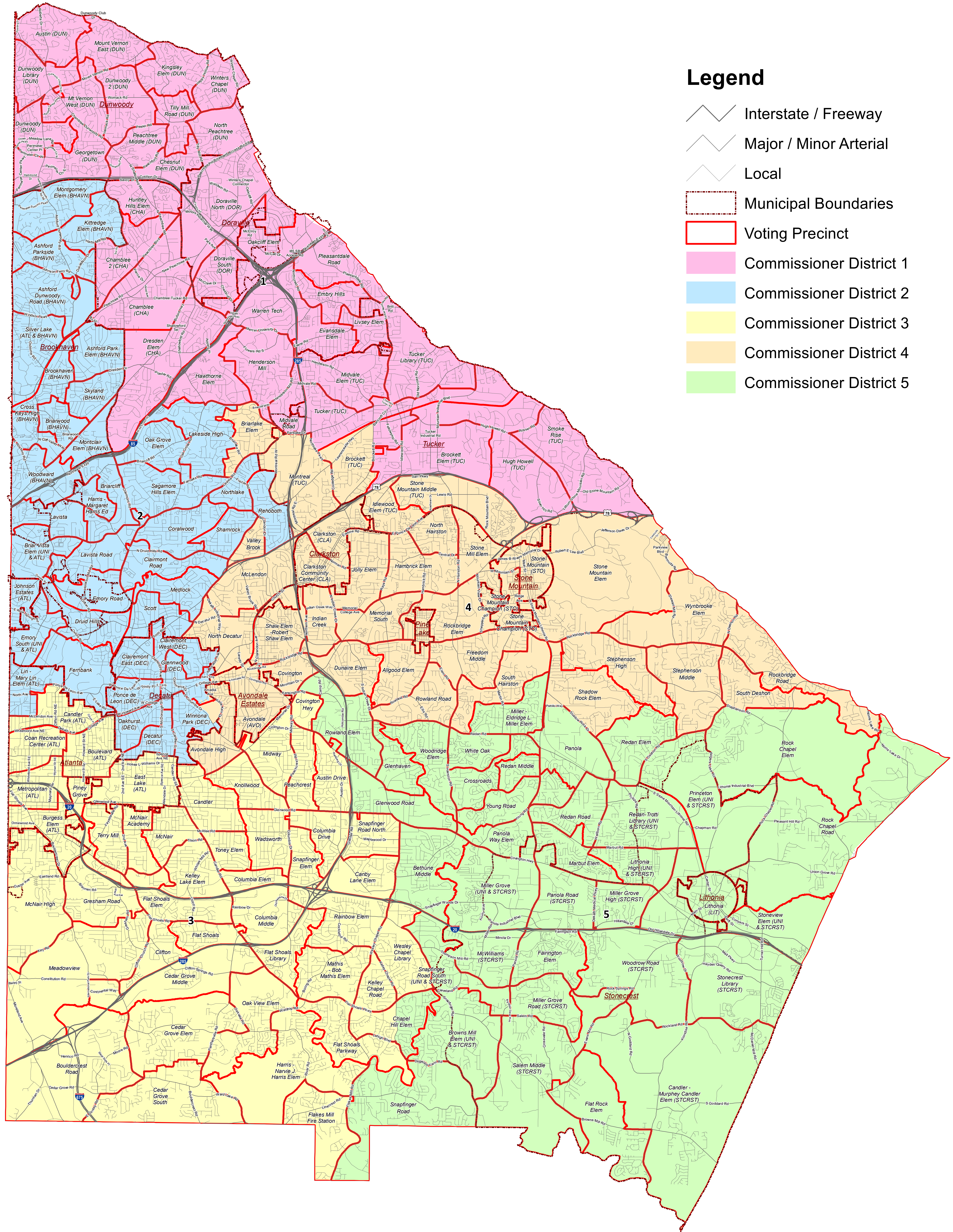






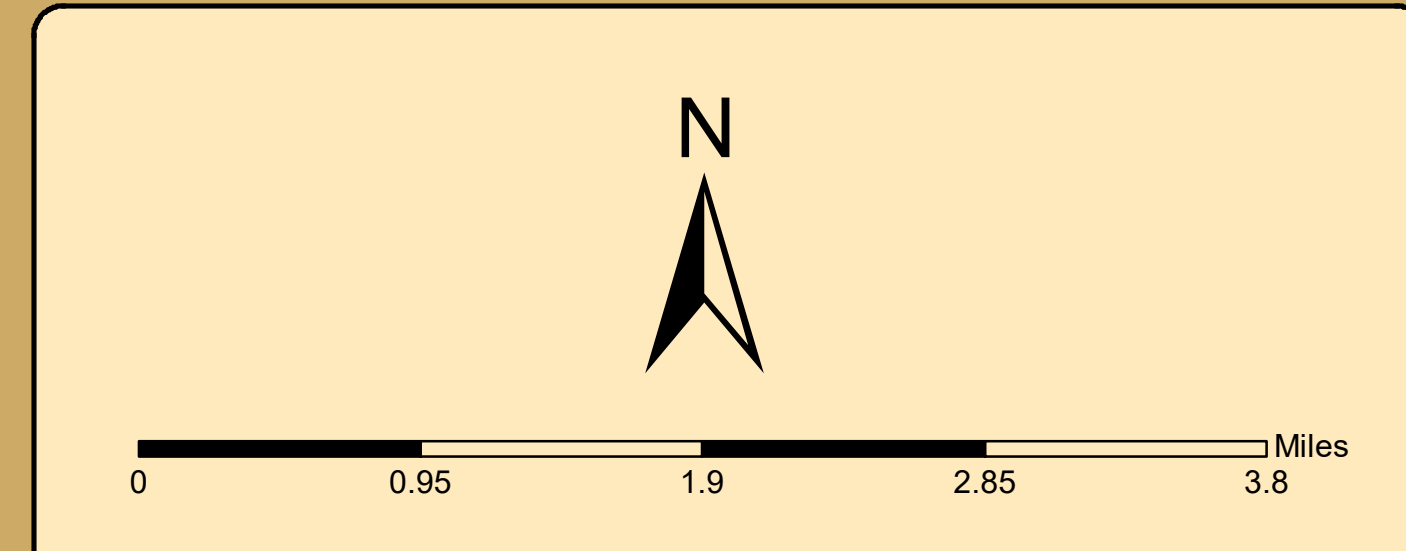






### Legend

- Interstate / Freeway
- Major / Minor Arterial
- Local
- Municipal Boundaries
- Voting Precinct
- Commissioner District 1
- Commissioner District 2
- Commissioner District 3
- Commissioner District 4
- Commissioner District 5



# Commissioner Districts

## DeKalb County, GA

Geographic Information Systems Department

Map produced by the GIS Department

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Date Printed: 4/14/2022



Wendy Rios Ochoa

6168 Marbut Rd Lithonia, GA 30058

678-650-6262

E-mail: [wendyochoa1@hotmail.com](mailto:wendyochoa1@hotmail.com)

Dear Neighbors,

I, Wendy Rios Ochoa, am writing this letter to inform you that I'm in the process of renewing my special land use permit to continue operating my in-home daycare. 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 renewal of my 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 Monday, February 26, 2024 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 Rios Ochoa*

Wendy Rios Ochoa

6168 Marbut Rd Lithonia, GA 30058

678-650-6262

E-mail: [wendyochoa1@hotmail.com](mailto:wendyochoa1@hotmail.com)

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Please feel free to join me.

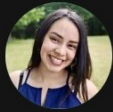
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*Wendy Rios Ochoa*



## Community Meeting Invitation



Wendy Ochoa



To: dennisallen05@comcast.net + 9

Fri 2/2/2024 4:52 AM [View more](#)



Community Meeting Invite 2024  
DOCX - 14 KB

Hello,

My name is Wendy A Rios Ochoa and I'm in the process of renewing my special land use permit to continue operating my in-home daycare in Lithonia. I would like to extend an invitation for you to join the community meeting I will be hosting on Thursday, February 8<sup>th</sup> at 6:00pm. Please see the invitation attached. You can find the zoom meeting information to join.

Thank you for your time and have a great weekend!

- Folders
- Inbox 4482
- Junk Email 759
- Drafts 1
- Sent Items
- Deleted Items 162
- Archive
- Notes 2
- Conversation History
- County Business Lic...
- God's Little Daycare
- POP

Wendy Ochoa  
 To: dennisallen05@comcast.net; andrewse199@gmail.com; kbarksdal22@gmail.com; fshafiq@msn.com; dstbc@bellsouth.net; lmellis@lspmconsulting.com; e7hubbard@gmail.com; oneiloooo4@comcast.net; konceptatlanta@bellsouth.net; Perry\_leona@bellsouth.net; dpriestbrown@bellsouth.net; mtaylor7907@gmail.com


Community Meeting Invite 2...  
14 KB

Hello,  
 My name is Wendy A Rios Ochoa and I'm in the process of renewing my special land use permit to continue operating my in-home daycare in Lithonia. I would like to extend a second invitation for you to join the community meeting I will be hosting on Monday, February 26<sup>th</sup> at 6:00pm. Please see the invitation attached. You can find the zoom meeting information to join.


Thank you for your time!

Reply Reply all Forward


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Chief Executive Officer  
Michael Thurmond

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

Interim Director  
Cedric Hudson

**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: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Address: \_\_\_\_\_

Tax Parcel ID: \_\_\_\_\_ Comm. District(s): \_\_\_\_\_ Acreage: \_\_\_\_\_

Existing Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

Supplemental Regs: \_\_\_\_\_ Overlay District: \_\_\_\_\_ DRI: \_\_\_\_\_

**Rezoning:** Yes \_\_\_\_ No \_\_\_\_

Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_ Square Footage/Number of Units: \_\_\_\_\_

Rezoning Request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Land Use Plan Amendment:** Yes \_\_\_\_ No \_\_\_\_

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_ Consistent \_\_\_\_ Inconsistent \_\_\_\_

**Special Land Use Permit:** Yes \_\_\_\_ No \_\_\_\_ Article Number(s) 27- \_\_\_\_\_

Special Land Use Request(s): \_\_\_\_\_

\_\_\_\_\_

**Major Modification:**

Existing Case Number(s): \_\_\_\_\_

Condition(s) to be modified:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Impact Analysis

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.

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. 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 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 (or private) facilities, and utilities to serve the proposed use.

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. Adequacy of 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.

F. Whether or not the proposed use will create adverse impacts upon any adjoin land use by reason of the manners and 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.

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.

The proposed use is consistent with the requirements of the zoning district's 5 and 7 classifications in which the property is located.

H. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan.

The proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan.

I. Whether there is adequate provision of refuse and service areas.

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

J. 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.

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 adjacent and nearby lots and buildings; and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height.

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.

L. Whether the proposed use 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.

M. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

The proposed use satisfied all requirements contained within the supplemental regulations for an in-home daycare special land use permit.

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 shows consistency with the needs of the community.

**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**

Density: \_\_\_\_\_ Density Bonuses: \_\_\_\_\_ Mix of Uses: \_\_\_\_\_ Open Space: \_\_\_\_\_  
 Enhanced Open Space: \_\_\_\_\_ Setbacks: front \_\_\_\_\_ sides \_\_\_\_\_ side corner \_\_\_\_\_ rear \_\_\_\_\_  
 Lot Size: \_\_\_\_\_ Frontage: \_\_\_\_\_ Street Widths: \_\_\_\_\_ 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: \_\_\_\_\_

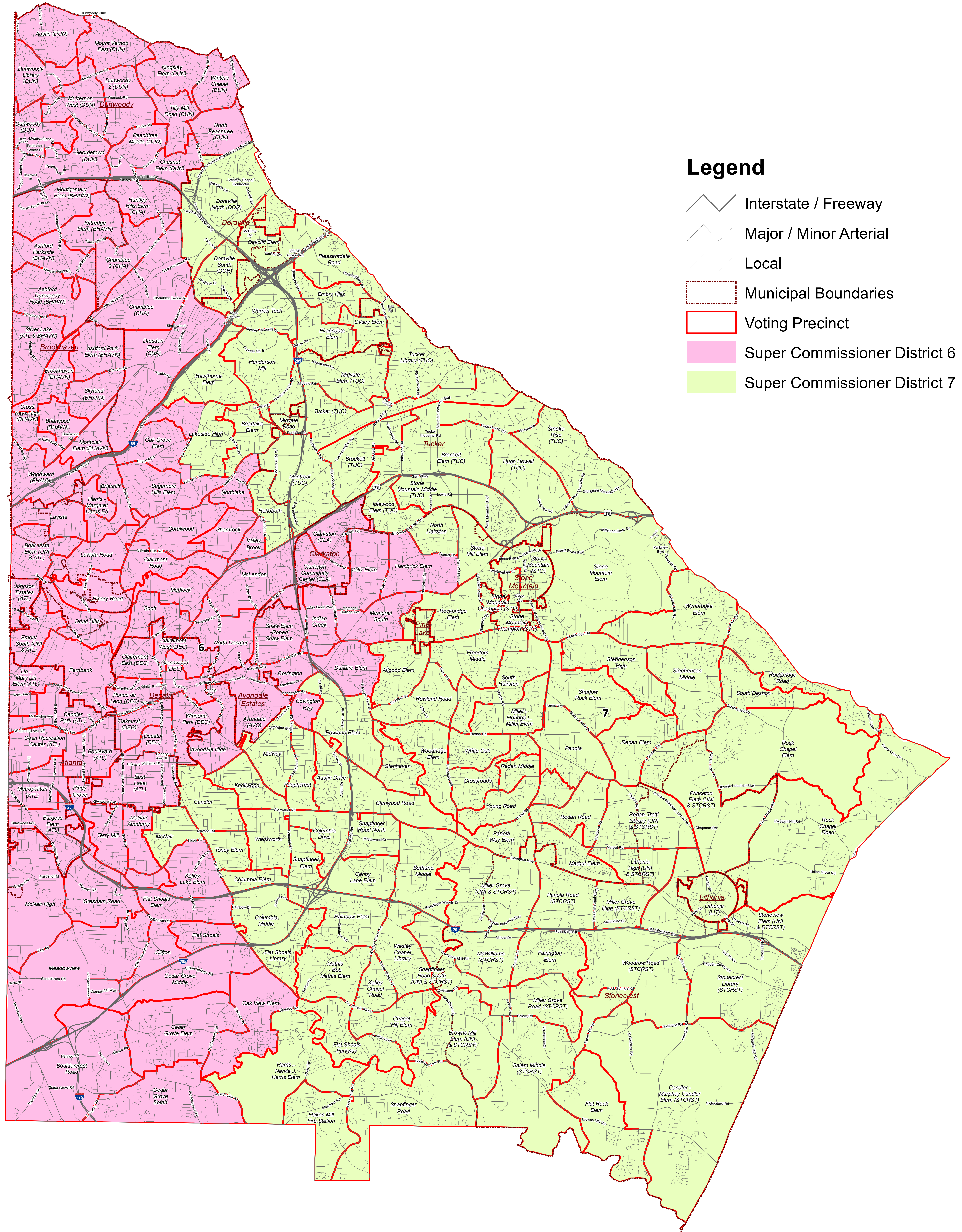
Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Planner: \_\_\_\_\_ Date: \_\_\_\_\_

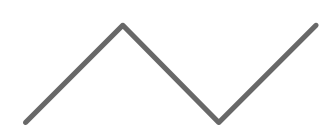





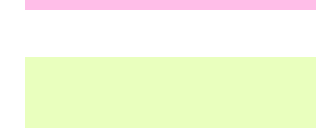
**FILING FEES**

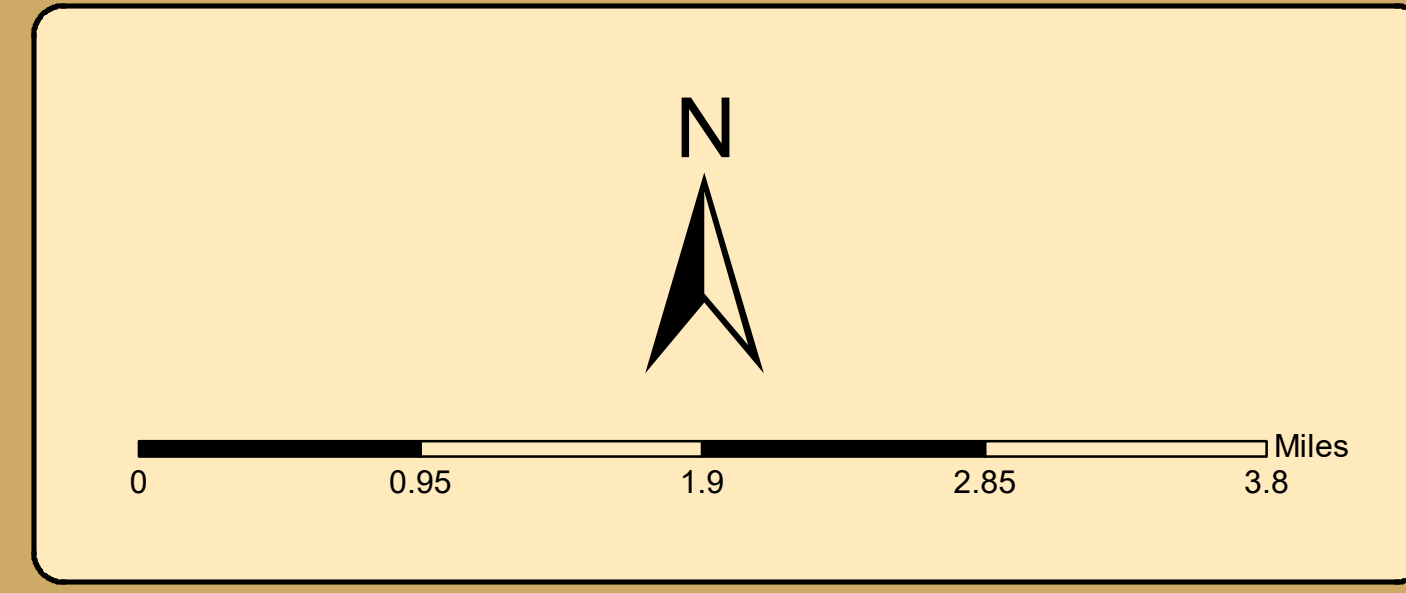
<b>REZONING:</b>	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
<b>LAND USE MAP AMENDMENT</b>		\$500.00
<b>SPECIAL LAND USE PERMIT</b>		\$400.00





### Legend

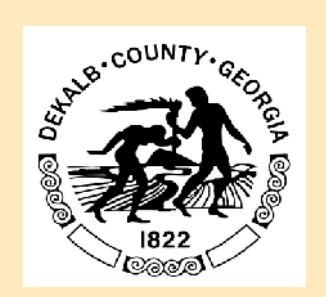
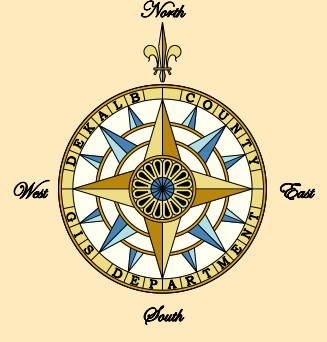
-  Interstate / Freeway
-  Major / Minor Arterial
-  Local
-  Municipal Boundaries
-  Voting Precinct
-  Super Commissioner District 6
-  Super Commissioner District 7



# Super Commissioner Districts

## DeKalb County, GA

Geographic Information Systems Department

**Map produced by the GIS Department**

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Date Printed: 4/14/2022



## DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer  
Michael Thurmond

Director  
Andrew A. Baker, AICP

**DATE:** December 21, 2022

**To Whom It May Concern:**

This is to confirm that on November 17, 2022, the DeKalb County Board of Commissioners approved the following application:

**SLUP-22-1246059      2022-2255  
16-102-03-014  
6168 MARBUT RD, LITHONIA, GA 30058**

**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. 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.

The application was approved on November 17, 2022, with 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*.

Forest Lewis  
2000 Victoria Pl.  
Lithonia, GA 30058

USA  
FIRST CLASS  
EPA  
EPA

MODEL PL-10









Zoom



Wendy A Rios Ochoa



Mute



Stop video



Participants



Chat



Reactions



Share



Whiteboards



Notes



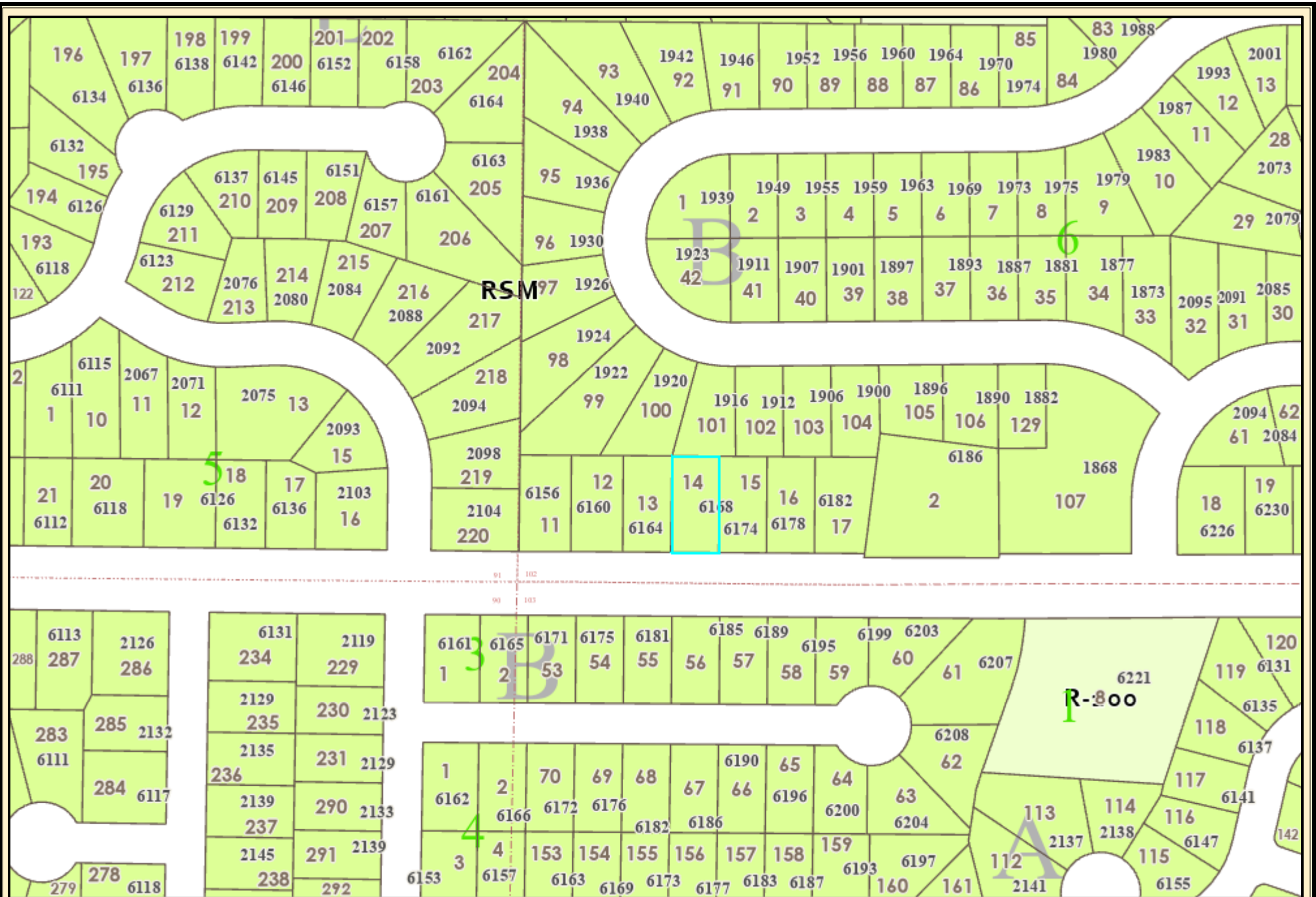
Apps



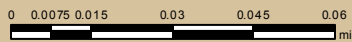
More



End



# Zoning Map



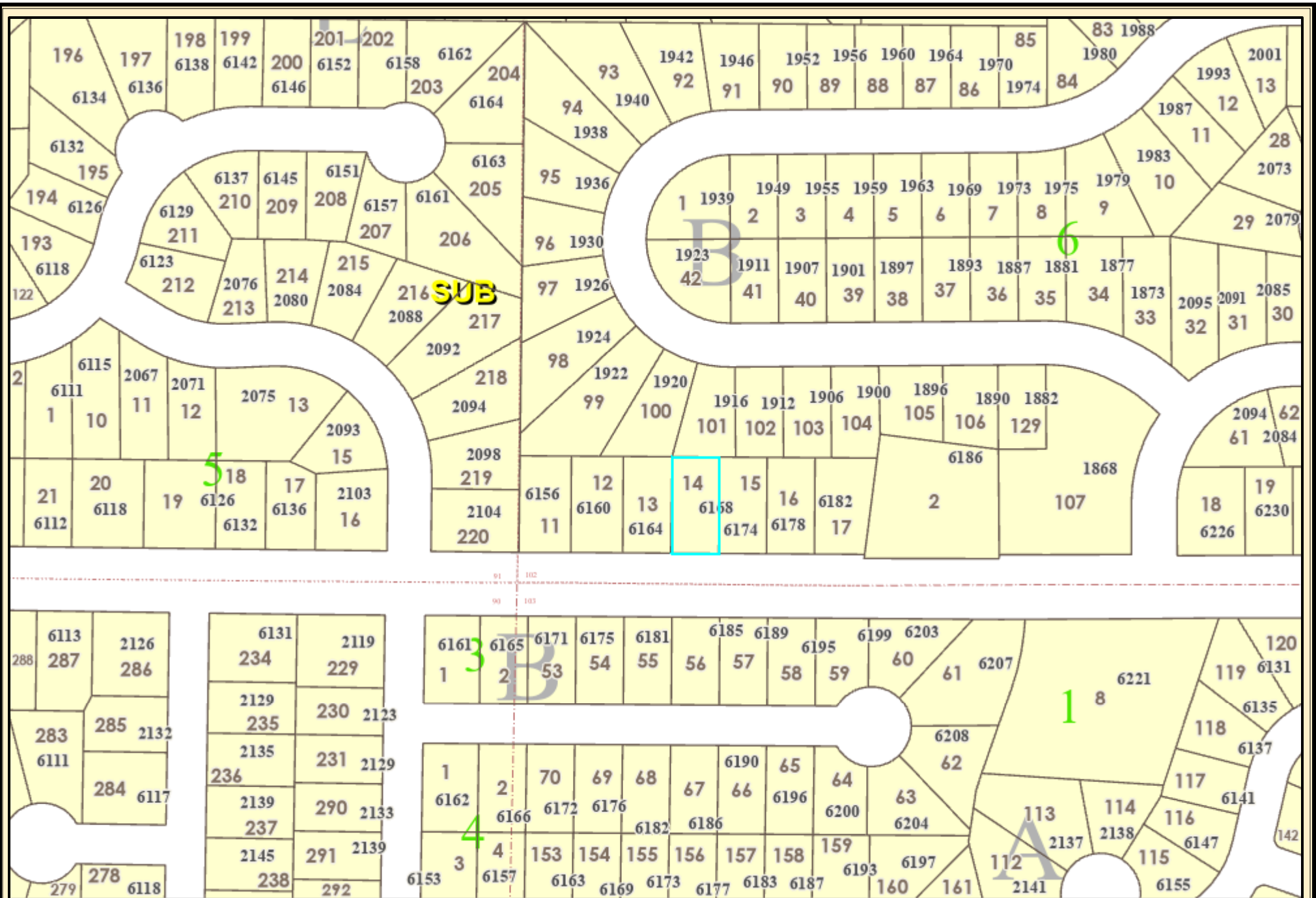
Date Printed: 4/24/2024



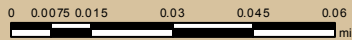
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## Land Use Map



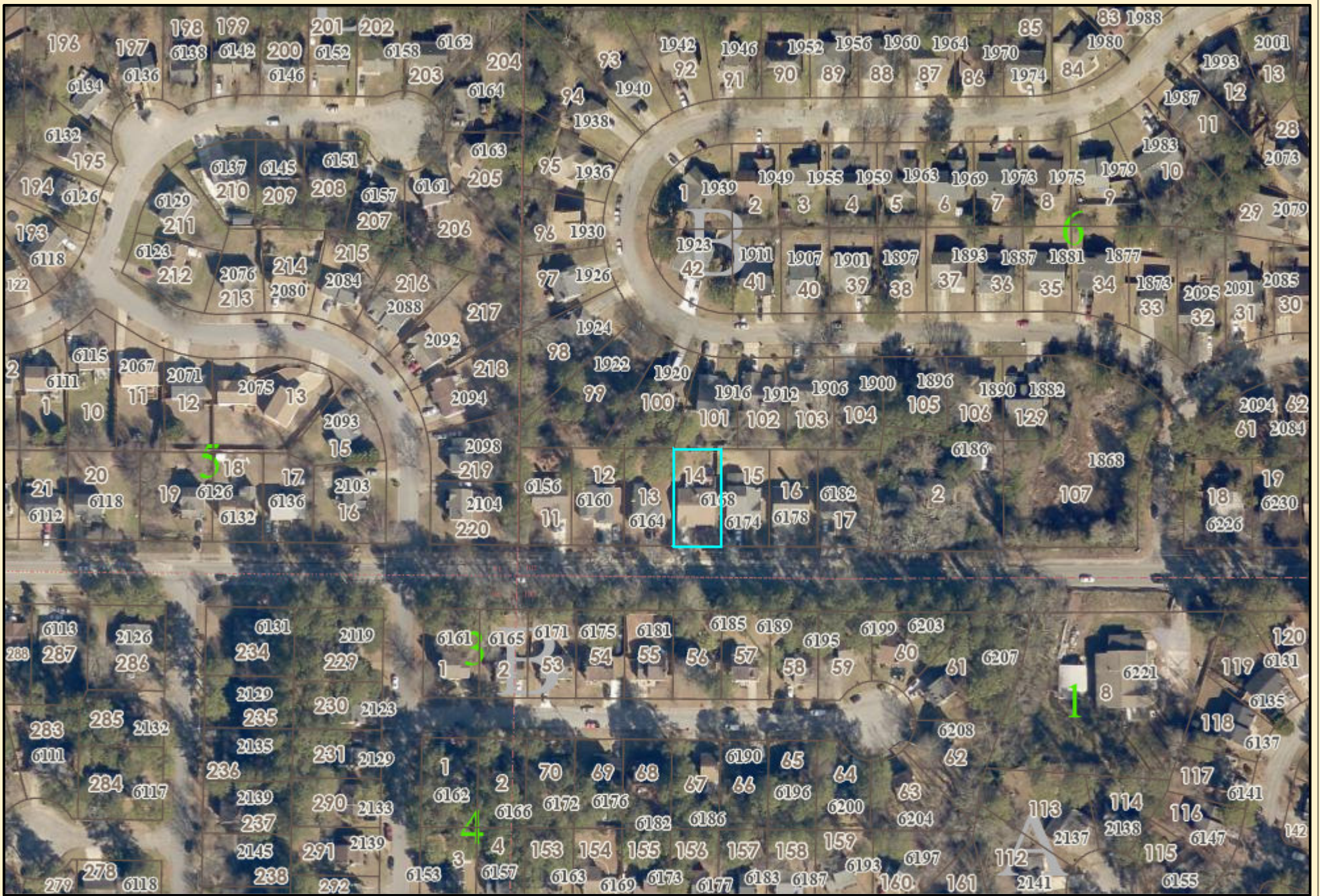
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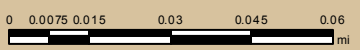
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# Aerial Map



Date Printed: 4/24/2024



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