

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

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

Application of Eritrea Geberehiwot for a Special Land Use Permit (SLUP) to operate a child day care for up to 6 children in the R-85 (Residential Medium Lot-85) zoning district, within the Hidden Hills Overlay District, at 1584 S. Hairston Road.

PETITION NO: N1-2024-0361 SLUP-24-1246837

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

LOCATION: 1584 S. Hairston Road, Stone Mountain, Georgia 30088

PARCEL NO. : 15-193-09-024

INFO. CONTACT: Lucas Carter, Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Eritrea Geberehiwot for a Special Land Use Permit (SLUP) to operate a child day care for up to 6 children in the R-85 (Residential Medium Lot-85) zoning district, within the Hidden Hills Overlay District.

RECOMMENDATION:

COMMUNITY COUNCIL: (April 8, 2024) Denial.

PLANNING COMMISSION: (May 2, 2024) Denial.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The applicant is seeking a special land use permit (SLUP) for a child day care facility (up to six (6) children). While it appears that the site is adequate related to size, access, and operating hours, the establishment does not comply with the 1000-foot minimum separation requirement between daycare facilities, Section 4.2.19. D. *No child day care facility shall be located within one thousand (1,000) feet of another child day care facility.* There is a daycare at 1502 Birch Ridge Court (State ID: FR-000002265) located only 400 linear feet away. Additionally, the location of the daycare along a major arterial (South Hairston Road) raises safety concerns for children playing outside. Although the proposed daycare addresses the need for childcare services in the community, line with the *DeKalb Unified Plan* to encourage access to essential services in SUB (Suburban) land use character areas, r the concern for proximity to an existing daycare violates the daycare supplemental regulations of Section 4.2.19. D. Therefore, staff recommends that the special land use permit be "Denied".

PLANNING COMMISSION VOTE: Denial 7-0-0. Jan Costello moved, Edward Patton seconded for denial, per staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (April 8, 2024) Denial 7-1-1.

DeKalb County Department of Planning & Sustainability

**178 Sams Street,
Decatur, GA 30030**

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

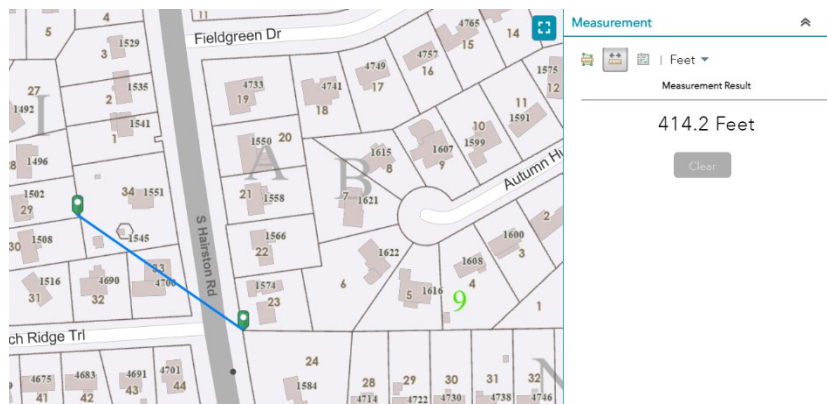
**Planning Commission Hearing Date: May 2, 2024
Board of Commissioners Hearing Date: May 23, 2024**

STAFF ANALYSIS

Case No.:	SLUP-23-1246837	Agenda #: 2024-0361
Location/Address:	1584 South Hairston Road Stone Mountain, GA 30088	Commission District: 05 Super District: 07
Parcel ID(s):	15 193 09 024	
Request:	Special Land Use Permit to operate a child daycare facility for up to six (6) individuals within an R-85 (Residential Medium Lot-85) Zoning District and Hidden Hills Overlay District	
Property Owner(s):	Eritrea Geberehiwot	
Applicant/Agent:	Eritrea Geberehiwot	
Acreage:	0.96	
Existing Land Use:	Single family residential	
Surrounding Properties:	North: R-85 East: R-85 South: R-85 West: R-85	
Comprehensive Plan:	Suburban (SUB) - Consistent	

Staff Recommendation: Denial

The applicant is seeking a special land use permit (SLUP) for a child day care facility (up to six (6) children). While it appears that the site is adequate related to size, access, and operating hours, the establishment does not comply with the 1000-foot minimum separation requirement between daycare facilities, Section 4.2.19. D. *No child day care facility shall be located within one thousand (1,000) feet of another child day care facility.*



There is a daycare at 1502 Birch Ridge Court (State ID: FR-000002265) located only 400 linear feet away. Additionally, the location of the daycare along a major arterial (South Hairston Road) raises safety concerns for children playing outside.

Although the proposed daycare addresses the need for childcare services in the community, line with the *DeKalb Unified Plan* to encourage access to essential services in SUB (Suburban) land use character areas, r the concern for proximity to an existing daycare violates the daycare supplemental regulations of Section 4.2.19. D.. Therefore, staff recommends that the special land use permit be denied.

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) 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). 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). 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). 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). 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) 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)

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).

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). 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 or Xavier James at 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 AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

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**

- **Storm Water Management**

- **Flood Hazard Area/Wetlands**

- **Landscaping/Tree Preservation**

- **Tributary Buffer**

- **Fire Safety**



**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-24-1846887 Parcel I.D. #s: 15-193 09-024

Address: 1584 South Hairston Road
Stone Mountain, Georgia 30088

Adjacent Roadway (s):

(classification) (classification)

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

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

Please provide additional information relating to the following statement.

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

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

COMMENTS: Did not have any traffic engineering concerns at this time.

Signature: *John P. Pense*



**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:

Signature: Akin A. Akinsola



DeKalb County

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

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

Date Received: 01/10th/2024 Application No: _____

APPLICANT NAME: Eritrea Geberehiwot

Daytime Phone: 404-246-3649 E-Mail: Weinipchen@gmail.com

Mailing Address: 1584 South Heirston Road
Stone MNT, GA 30088

Owner Name: Eritrea Geberehiwot
(If more than one owner, attach contact information for each owner)

Daytime Phone: 404 246-3649 E-Mail: Weinipchen@gmail.com

Mailing Address: 1584 South Heirston Road
Stone Mountain, GA 30088

SUBJECT PROPERTY ADDRESS OR LOCATION: 1584 South Heirston Road
Stone Mountain, GA DeKalb County, GA 30088

Parcel ID: 1519309024- Acreage or Square Feet: 0.92 Commission Districts: 5

Existing Zoning: R-8S Proposed Special Land Use (SLUP): Childcare FOR 6

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] 1/10th/2024 [Signature]

Business Impact Analysis (BIA)

1. Overview

This Business Impact Analysis (BIA) is developed as part of the contingency planning process. It was prepared on December 20, 2023

.

1.1 Purpose

The purpose of the BIA is to identify and prioritize system components by correlating them to the mission/business process(es) the system supports, and using this information to characterize the impact on the process(es) if the system were unavailable:

The BIA is composed of the following criteria considered in the Impact Analysis per Dekalb County Department of Planning and Sustainability.

2. System Description

The site plan attached will provide information to majority of the applicable regulations per Section 27-7.4.6. Impact Analysis

- A. Site size has available land area for the proposed use of an In- Home Childcare Facility, with proper provisions of entrances, parking and exits.
- B. Property and land uses are compliant with districting zones and will not create adverse impacts on surrounding adjoining land or structures by reason of traffic volume or congestion.
- C. Property is in adequate zoning for public use and will utilize public or private services to maintain utilities, waste, and other public cervi8ces in Dekalb County.
- D. Property has sufficient traffic carrying capacity that includes a round-about entrance and exit to assist with the flow of traffic that will also aide in decrease of traffic or congestion.
- E. The structure of property allows accessibility to site and surrounding buildings or structures that will aide in the safety of pedestrians and convenience of emergency vehicles entering or exiting zoned area.
- F. Hours of operations of location will be in compliance with zone of services and will not create adverse impacts on traffic or any issues with adjacent buildings or structures.
- G. Property will comply with zone requirements and classification per services. Site will be consistent with district.
- H. Site plan of property is consistent with the policies comprehensive plans.

- I. Site has adequate provision of service areas.
- J. Special land use permit once granted duration should be limited to due to Zoning specifications per site services.
- K. Site plan encloses all of the property scale, sizing of proposed structure. Property will not create any adverse impact on any adjoining lot or buildings obstructing visibility due to size or scaling.
- L. Site proposed will not affect any historic buildings, sites, or etc.,. Property site plan is attached ad Zoning is available.
- M. Proposed property/site satisfies the requirements within regulations for planning and zone for a childcare facility per special land use permit.



LATE NIGHT ESTABLISHMENT OR NIGHTCLUB CHECK LIST

1. Is the requested SLUP for a new business or an existing business? (Please check only one) New Business Existing Business . If the SLUP is for an existing business, please answer question Nos. 2 - 5.
2. Does this Business have a current Business License? Yes No If yes, provide a copy of current business license.
3. Has this business ever been operated without a Business License? Yes No
If yes, how long did the business operate without a business license? _____
4. Has this business received a citation for any of the following:
 - a. Life safety violations such as pyrotechnics, overcrowding, inadequate ingress/egress operating beyond the permitted hours of operation.
 - b. Construction (major/minor renovation, alteration and addition) without a valid DeKalb County permit.
 - c. Business closure and renovation without surrendering license to State and County as required by State law.
 - d. Change of business name, ownership, or use without DeKalb County approval.
 - e. No valid Certificate of Occupancy issued by DeKalb County
 - f. Violation of operating hours of the Zoning ordinance or Alcohol Ordinance.
 - g. Lack of proof of residency under DeKalb County. Any person who holds a liquor license in DeKalb County is required under DeKalb County law to be a resident of DeKalb County.
5. If one or more of the citations mentioned in No. 4 have been issued, please provide copies of summons and citations and summary of court decision or resolution.

Submittal of a fraudulent application is a violation of DeKalb County and State law.

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.

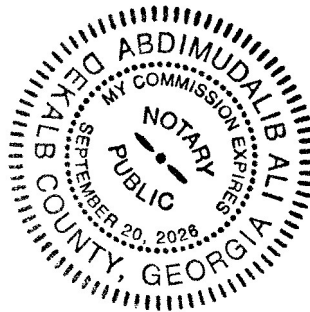
The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Abdimudalis Ali
Notary

 1/5/24
Signature of Applicant /Date

Check one: Owner _____ Agent _____

09/20/2024
Expiration Date/ Seal



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



DeKalb County

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: 01/05/2024

TO WHOM IT MAY CONCERN:

(I), (WE) Eritrey Geberehiwot
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:

Name of Agent or Representative

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

Abdimudalib Ali
Notary Public

Owner

Notary Public

Owner

Notary Public

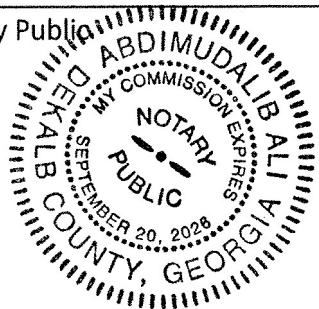
Owner

Notary Public

Owner

Notary Public

Owner



Eritrea Geberhiowt
1584 South Hairston Road
Stone Mountain Ga,30083
WEINIPCH@GMAIL.COM
404-246-3649
04/08/2024

To Whom it may Concern:

I am writing to express my sincere interest in providing in-home daycare services for six children within my home. As someone deeply passionate about child development and caregiving, I am eager to create a nurturing and enriching environment where children can learn, grow, and thrive.

With 20+ years of experience in childcare, my Board of Director has 15+ years early childhood education, we have honed our skills in creating age-appropriate activities, fostering positive relationships, and ensuring the safety and well-being of each child under our care. I believe that my background equips us with the necessary tools to meet the unique needs of each child and provide them with a supportive and stimulating environment.

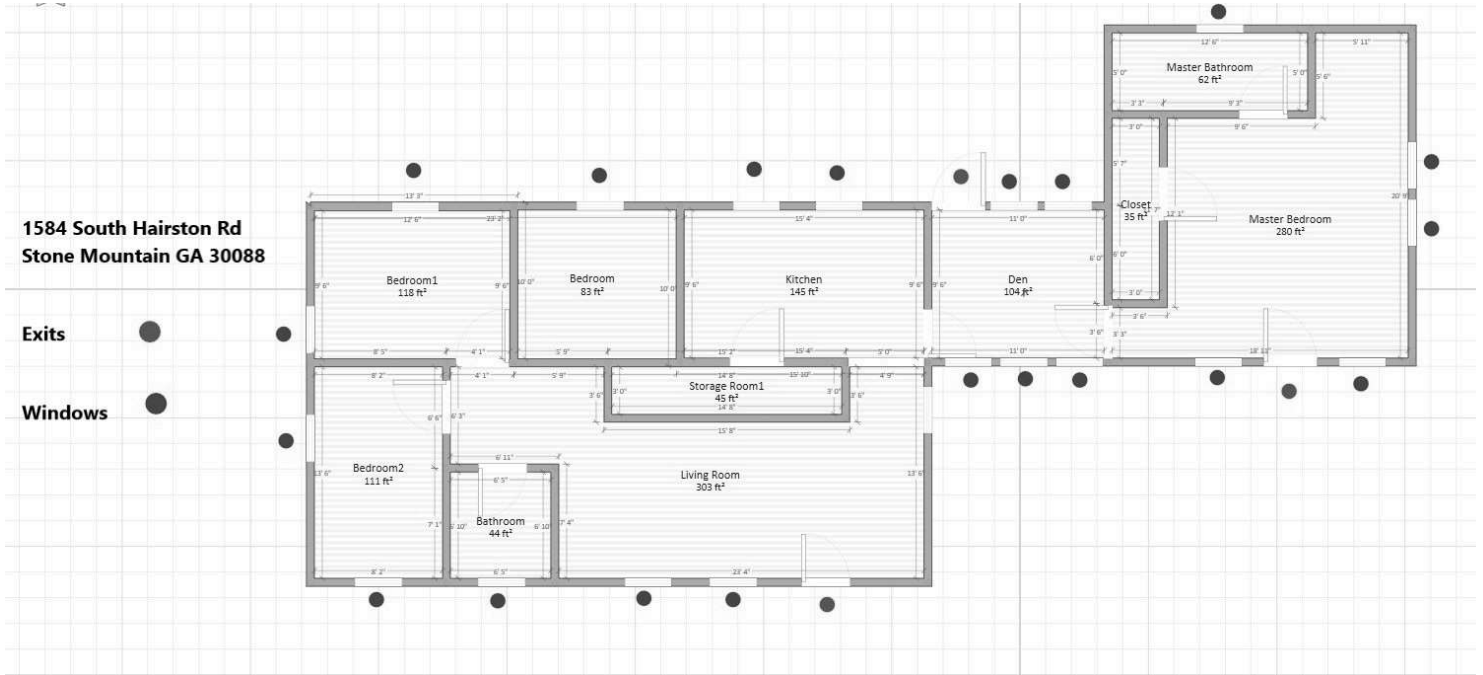
Our philosophy centers around creating a home-like atmosphere where children feel comfortable, valued, and empowered to explore their interests. Through play-based learning, structured routines, and individualized attention, I aim to promote holistic development encompassing cognitive, social, emotional, and physical domains.

In addition to providing a safe and nurturing environment, I am committed to maintaining open communication with parents, fostering a collaborative partnership in the child's development journey. I believe that regular updates, parent-teacher conferences, and a transparent approach to caregiving are essential in ensuring the best outcomes for the children entrusted to my care.

Furthermore, I understand the importance of adhering to state regulations and safety standards governing in-home daycare facilities. I am dedicated to maintaining compliance with licensing requirements, ensuring a clean and sanitary environment, and prioritizing the health and well-being of all children.

I am excited about the opportunity to contribute positively to the lives of the children in our community and support families in balancing work and childcare responsibilities. I am confident that my passion for childcare, combined with my experience and dedication, make me an ideal candidate to provide exceptional in-home daycare services for six children.

Warm regards,
Eritrea Geberehiwot





78'

10' SETBACK

144'

WOODED

EXISTING WOOD FENCE

EXISTING 1 STORY DWELLING UNIT

220'

SIDEWALK

35' SETBACK

40' SETBACK

107'

24'

66'

42'

73'

201.9'

EXISTING STRUCTURE

18'

41.8'

25'

22'

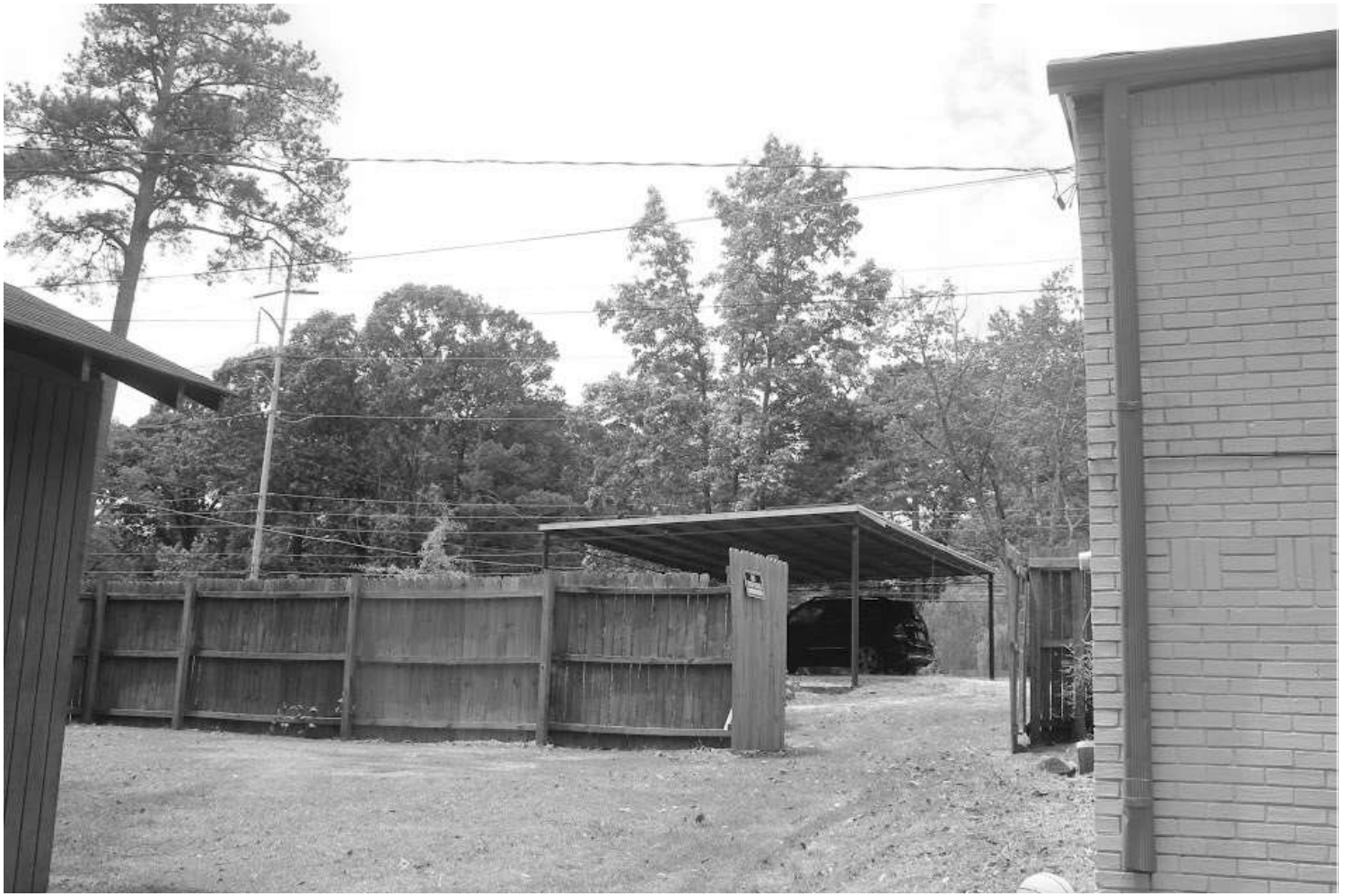
GATE

25' SETBACK

18'

S HAIRSTON RD

















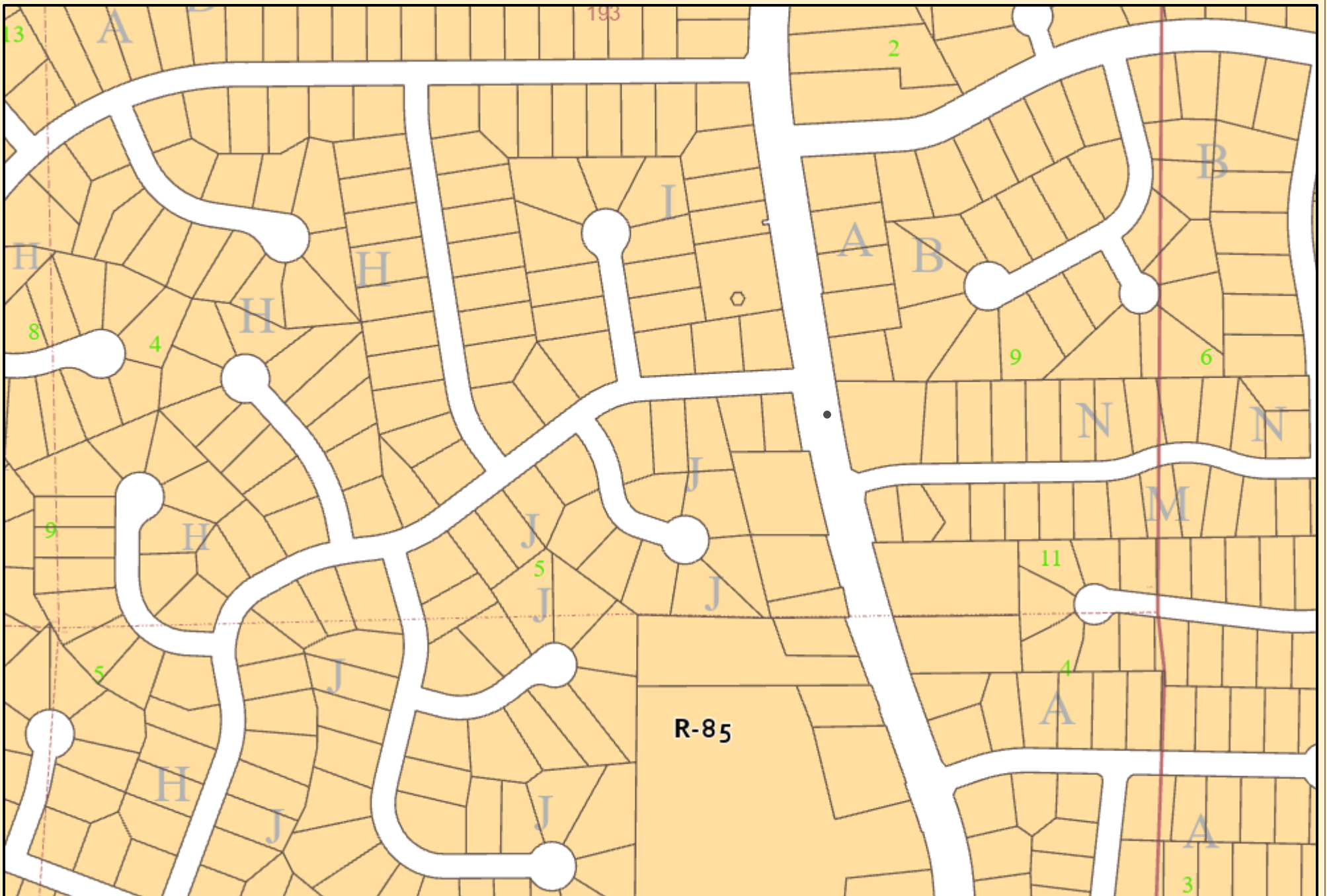




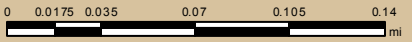








Zoning Map

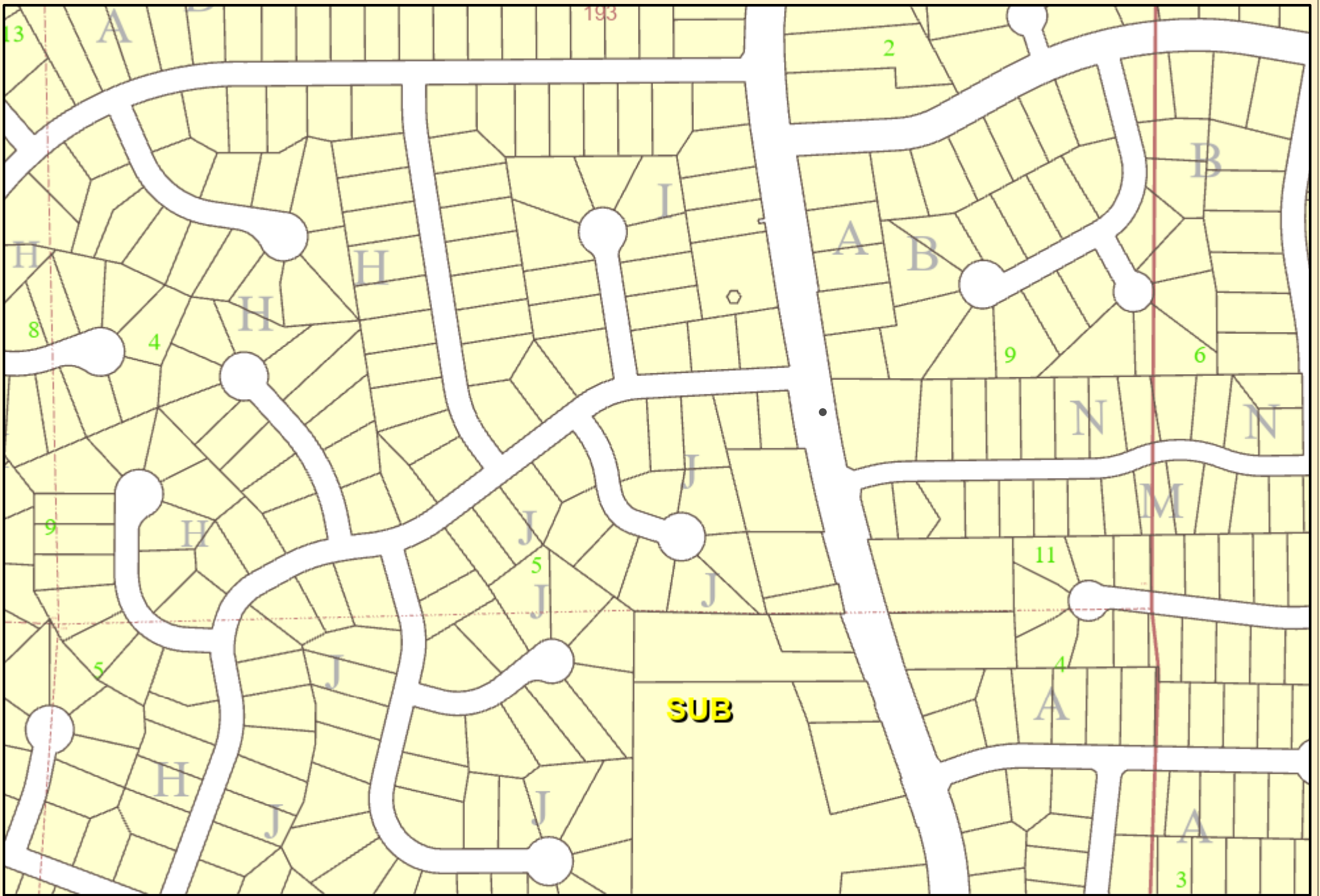


Date Printed: 4/24/2024



DeKalb County GIS Disclaimer

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Land Use Map

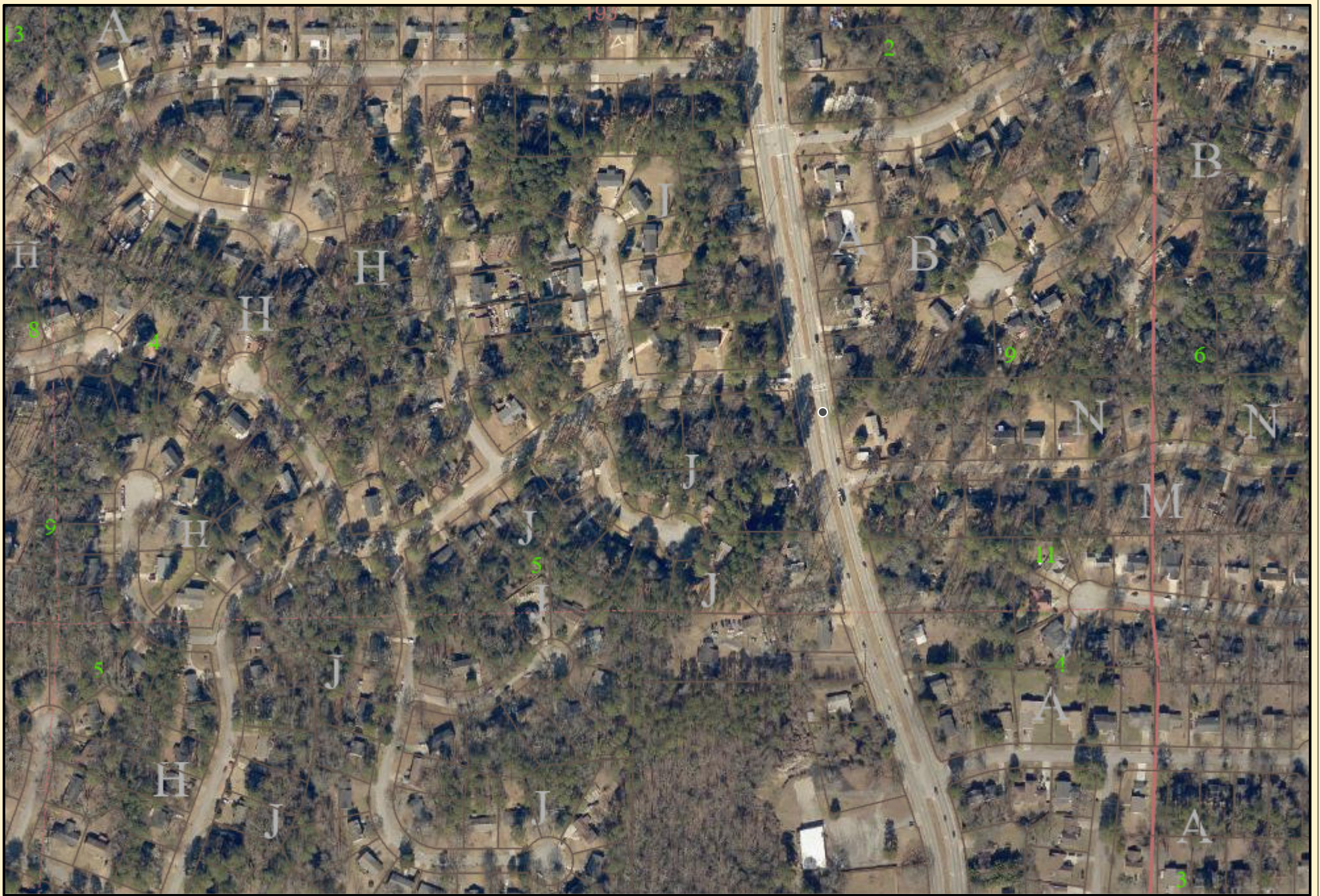


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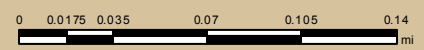


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Aerial Map



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