

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 04 Super District 06

Application of David M. Cesar to rezone property from NS (Neighborhood Shopping) zoning district to O-I (Office-Institution) for a child day care center for more than six (6), at 3960 Rockbridge Road.

PETITION NO: N9-2024-1110 Z-24-1247191

PROPOSED USE: Child day care center.

LOCATION: 3960 Rockbridge Road, Stone Mountain, Georgia 30083

PARCEL NO. : 18 043 02 009

INFO. CONTACT: Andrea Folgherait, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of David M. Cesar to rezone property from NS (Neighborhood Shopping) zoning district to O-I (Office-Institution) for a child day care center for more than six (6) children.

RECOMMENDATION:

COMMUNITY COUNCIL: (October 2024) Approval.

PLANNING COMMISSION: (November 7, 2024) Two-cycle deferral.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The applicant is seeking to rezone the subject property from the NS (Neighborhood Shopping) Zoning District to the O-I (Office Institutional) Zoning District to allow for a child daycare center for more than six (6) children in an existing building. In 2016 the subject site was rezoned from OI to NS (Z-73131) to allow a coffee shop and bakery (Jebena Coffee Shop) within an existing 1,500 square foot building. The current application would be reverting the subject site's zoning *back to OI* and remove the conditions (CZ-16-20320) limiting the use to a coffee shop and bakery. The subject site is in a Suburban (SUB) Character Area, adjacent to a Town Center (TC) Character Area along the western property line. The rezone proposal aligns with SUB Character Area policies, which allow limited non-residential development outside stable single-family neighborhoods (*2050 Unified Plan, Pg. 41*). The nearby intersection of Memorial Drive and Rockbridge Road includes commercial, neighborhood shopping, and office zoning. The proposal will support a transition from commercial to residential uses adjacent to the TC which calls for a robust mixture of office, retail, restaurant, and residential uses. As a Prepared 10/28/2024 by: AKF Page 2 Z-24-12467191 neighboring parcel to the TC area, a child day care center could serve the local surrounding communities. As future site development/redevelopment in and around the TC occur, there may be reduced vehicular traffic, walkability, and increase transit use along a MARTA bus route. **Subject Site Review:** While the proposed zoning and land use appear to be consistent with the surrounding area, the subject site appears to be a non-conforming lot (*Section 8.1.3. - Legal nonconforming lot*). Although the Applicant did not submit a survey, the subject site does not appear to meet all of the dimensional requirements from *Section 2.24.1 Table 2.2 Non-residential Dimensional Requirements*, and other site requirements of the *Zoning Ordinance (Section 6.1.4 Off Street Parking Ratios, Section 5.4.4. Site and parking area landscaping (D 1-10), Section 5.4.3 Streetscape Elements and Dimensions)*. If and/or when development may occur, appropriate development standards and setbacks and for OI zoning districts will have to be met, as

conditioned herein. OI zoning districts require parking to be located in the rear of a site based upon *Section 6.1.3. - Parking regulations, off-street parking spaces (5)*. Thus, the Applicant may be subject to variance(s) for off street parking and/or other future development plans. The applicant has met Supplemental Requirements of *Section 4.2.19. - Child day care facility (up to six children), or child day care center (seven or more children)*. There were no major findings from the Interdepartmental comments, however, comments should be reviewed (enclosed). Particularly, comments from Dekalb County Roads and Drainage for the recommendation of a “children at play” sign installation. The proposed O-I zoning district is consistent with the zoning districts in the surrounding area and provides a transition between the commercial zoning to the west and the residential to the east. As the demands for childcare continues to grow, well-planned town centers should integrate access to these critical services near residential and commercial hubs. The subject site is located along a public transit route, improving accessibility measures. Therefore, upon review of Section 7.3.5 (A-H) of the *Zoning Ordinance*, Staff recommends ***“Approval, with the attached conditions”***.

PLANNING COMMISSION VOTE: (November 7, 2024) Two-cycle deferral 6-0-0. LaSonya Osler moved, Vivian Moore seconded for a two-cycle deferral to the March 2025 zoning agenda.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (October 2024) Approval 11-0-1.

Z-24-1247191 (2024-1110)
Recommended Conditions
November 2024

1. If expansion, alteration or repairs of over 60% of fair market value are proposed for permitting, site development requirements including but not limited to parking, landscaping, pedestrian systems, lighting, utilities, and stormwater facilities shall be updated to comply with all DeKalb County codes that are relevant to the nature of the expansion, alteration or redevelopment.
2. Prior to obtaining a Business License, the Applicant must submit a site plan displaying the parking area(s) number of parking spaces (striped) to ensure the minimum required parking spaces are met per *Table 6.2 Off Street Parking Ratios*. A child day care center requires one (1) space for each four hundred (400) square feet of floor area.
3. For parking to remain in front of the principal structure, the applicant will have to obtain a Variance from the ZBA per *Section 6.1.3. - Parking regulations, off-street parking spaces (5)*.
4. The approval of this rezone application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

DEPARTMENT OF PLANNING & SUSTAINABILITY

Planning Commission Hearing Date: November 7, 2024
Board of Commissioners Hearing Date: November 21, 2024

STAFF ANALYSIS

Case No.:	Z-24-1247191	Agenda #: 2024-1110	
Address:	3960 Rockbridge Road Stone Mountain, GA 30083	Commission District: 04 Super District: 06	
Parcel ID(s):	18-043-02-009		
Request:	Rezone from NS (Neighborhood Shopping) zoning district to O-I (Office-Institution) to remove conditions and allow for operation of a child day care center for more than six (6) children.		
Property Owner(s):	David Cesar		
Applicant/Agent:	Alexander Cesar		
Acreage:	0.49 Acres		
Existing Land Use:	Parking lot for trailers		
Surrounding Properties:	North: R-100(Residential Large Lot-75) East: R-100, RSM (Residential Small Mix) South: NS (Neighborhood Shopping), R-100 (Residential Medium Lot-100) West: OI (Office Institutional), NS, C-1		
Comprehensive Plan:	SUB (Suburban)	Consistent X	Inconsistent

Staff Recommendation: Approval with Conditions.

The applicant, David Cesar, is seeking to rezone the subject property from the NS (Neighborhood Shopping) Zoning District to the O-I (Office Institutional) Zoning District to allow for a child daycare center for more than six (6) children in an existing building. In 2016 the subject site was rezoned from O-I to NS (Z-73131) to allow a coffee shop and bakery (Jebena Coffee Shop) within an existing 1,500 square foot building. The current application would be reverting the subject site’s zoning *back to OI* and remove the conditions (CZ-16-20320) limiting the use to a coffee shop and bakery.

The subject site is in a Suburban (SUB) Character Area, adjacent to a Town Center (TC) Character Area along the western property line. The rezone proposal aligns with SUB Character Area policies, which allow limited non-residential development outside stable single-family neighborhoods (*2050 Unified Plan, Pg. 41*). The nearby intersection of Memorial Drive and Rockbridge Road includes commercial, neighborhood shopping, and office zoning. The proposal will support a transition from commercial to residential uses adjacent to the TC which calls for a robust mixture of office, retail, restaurant, and residential uses. As a

neighboring parcel to the TC area, a child day care center could serve the local surrounding communities. As future site development/redevelopment in and around the TC occur, there may be reduced vehicular traffic, walkability, and increase transit use along a MARTA bus route.

Subject Site Review:

While the proposed zoning and land use appear to be consistent with the surrounding area, the subject site appears to be a non-conforming lot (*Section 8.1.3. - Legal nonconforming lot*). Although the Applicant did not submit a survey, the subject site does not appear to meet all of the dimensional requirements from *Section 2.24.1 Table 2.2 Non-residential Dimensional Requirements*, and other site requirements of the *Zoning Ordinance (Section 6.1.4 Off Street Parking Ratios, Section 5.4.4. Site and parking area landscaping (D 1-10), Section 5.4.3 Streetscape Elements and Dimensions)*. If and/or when development may occur, appropriate development standards and setbacks and for OI zoning districts will have to be met, as conditioned herein. OI zoning districts require parking to be located in the rear of a site based upon *Section 6.1.3. - Parking regulations, off-street parking spaces (5)*. Thus, the Applicant may be subject to variance(s) for off street parking and/or other future development plans. The applicant has met Supplemental Requirements of *Section 4.2.19. - Child day care facility (up to six children), or child day care center (seven or more children)*. There were no major findings from the Interdepartmental comments, however, comments should be reviewed (enclosed). Particularly, comments from DeKalb County Roads and Drainage for the recommendation of a “children at play” sign installation.

The proposed O-I zoning district is consistent with the zoning districts in the surrounding area and provides a transition between the commercial zoning to the west and the residential to the east. As the demands for childcare continues to grow, well-planned town centers should integrate access to these critical services near residential and commercial hubs. The subject site is located along a public transit route, improving accessibility measures. Therefore, upon review of Section 7.3.5 (A-H) of the *Zoning Ordinance*, Staff recommends “Approval” with the following conditions:

1. If expansion, alteration or repairs of over 60% of fair market value are proposed for permitting, site development requirements including but not limited to parking, landscaping, pedestrian systems, lighting, utilities, and stormwater facilities shall be updated to comply with all DeKalb County codes that are relevant to the nature of the expansion, alteration or redevelopment.
2. Prior to obtaining a Business License, the Applicant must submit a site plan displaying the parking area(s) number of parking spaces (striped) to ensure the minimum required parking spaces are met per *Table 6.2 Off Street Parking Ratios*. A child day care center requires one (1) space for each four hundred (400) square feet of floor area.
3. For parking to remain in front of the principal structure, the applicant will have to obtain a Variance from the ZBA per *Section 6.1.3. - Parking regulations, off-street parking spaces (5)*.
4. The approval of this rezone application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

ZONING COMMENTS – OCTOBER 2024

N1. (SLUP-24-1247188) 4293 Hambrick Road: No overlay district in place. No changes to the structure just the functional property use. Roadway classified as Local. No proposed changes or edits to the property frontage.

N2. (Z-24-1247190) 1491, 1531 & 1555 Austin Drive: No overlay district in place. No site distance issues. Proposed improvement along a roadway classified as a collector: Rezoning and property upgrade; Shoulder improvements requirements in Zoning Code 5.4.3, 10-foot multiuse path with pedestrian scale streetlights. Project is on a bus route maintain exiting Marta bus stops.

N3. (Z-24-1247191) 3960 Rockbridge Road: No overlay restrictions. Road classified as Minor Arterial. Regulatory traffic signs posted at 45 MPH. No site distance issues to note. Rezoning and reusage of property would require proper parking lot marking for ingress and egress with plaza directly in front of subject property. Right and Left turning issues should be mitigated with proper Traffic engineering evaluation in reference to placement of parking lot entrance and exit. Would consider placing KIDS AT PLAY (NON regulatory) warning signs in advance of subject property in both directions. Contact Dekalb County Roads and Drainage for signage installation. Project is on along Marta bus route.

N4. (Z-24-1247192) 3089 Snapfinger Road: Roadway classification Major Arterial. Snapfinger Road is SR 155. Regulatory posted speed is 45MPH. Limited sight distance to driveway. MUTCD calls for Vehicular warning signs Section 2C.49. Subject parcel driveway has limited sight distance. Advance warning signs should be posted on the shoulder and median for both lanes going east bound. Contact (JLivingston@dot.ga.gov) with GDOT for on state routes.

N5. (Z-24-1247194) 2452 La Fortune Drive: No overlay district. Roadway classification is local road. Shoulder/Frontage improvements requirements in Zoning Code 5.4.3, 10-foot multiuse path with pedestrian scale streetlights.



9/20/2024

To: Ms. LaSondra Hill, Planning
From: Ryan Cira, Environmental Health Director
Cc: Alan Gaines, Deputy Director
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.

DeKalb Public Health

445 Winn Way – Box 987
Decatur, GA 30031

404.508.7900 • www.dekalbhealth.net



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 Public Health

445 Winn Way – Box 987
Decatur, GA 30031

404.508.7900 • www.dekalbhealth.net



Rezoning Comments from Division of Environmental Health

N.1-2024-1108 SLUP-24-1247188 / 18 122 03 053
4293 HAMBRICK WAY, STONE MOUNTAIN, GA 30083

Amendment

- PLEASE REVIEW GENERAL COMMENTS
- NO COMMENTS

N.2-2024-1109 Z-24-1247190 / 15 197 02 001, 15 197 02 010, 15 197 02 033
1491, 1531 & 1555 AUSTIN DRIVE, DECATUR, GA 30032

Amendment

- PLEASE REVIEW GENERAL COMMENTS
- SEPTIC INSTALLED ON PROPERTY

N.3-2024-1110 Z-24-1247191 / 18 043 02 009
3960 ROCKBRIDGE ROAD, STONE MOUNTAIN, GA 30083

Amendment

- PLEASE REVIEW GENERAL COMMENTS
- NO SEPTIC INDICATED

N.4-2024-1111 Z-24-1247192 / 15 096 03 009
3089 SNAPPINGER ROAD, DECATUR, GA 30034

Amendment

- PLEASE REVIEW GENERAL COMMENTS
- NO SEPTIC INDICATED

DeKalb Public Health

445 Winn Way – Box 987
Decatur, GA 30031

404.508.7900 • www.dekalbhealth.net



**MARTA November 2024
Case Comments**

N3-2024-1109 Z-24-1247190 (1491, 1531 & 1555 Austin Drive):

- There is existing MARTA bus service by this development. Additionally, there are plans for high-frequency bus service at Redwing Ct. Recommend the project include pedestrian connectivity north to Redwing Ct to connect to transit as well as the school.
- If developed, inter-parcel connectivity between the development and Towers High School should be included to allow students to walk from development to school directly, without needing to use Towers Way.

N4-2024-1110 Z-24-1247191 (3960 Rockbridge Road):

- This development is on a MARTA route and should coordinate with MARTA on bus stop placement.



**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

**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.: Z-24-1247191 Parcel I.D. #: 18-043-02-009
Address: 3960 Rockbridge Rd, Stone Mountain 30083

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 see any traffic engineering concerns
at this time.

Signature: Jerry White



**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

**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
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

**Rezoning Application to Amend the Official Zoning Map of DeKalb
County, Georgia**

Date Received: _____ Application No: _____

Applicant Name: David M. Cesar

Applicant E-Mail Address: d.cesar131@gmail.com

Applicant Mailing Address: 335 Crosstree Ln, Atlanta GA 30328

Applicant Daytime Phone: (786) 512 9142 Fax: _____

Owner Name: Alexandra Cesar

If more than one owner, attach list of owners.

Owner Mailing Address: 335 Crosstree Ln, Atlanta GA 30328

Owner Daytime Phone: (786) 512 5888

Address of Subject Property: 3960 Rockbridge Rd, Stone Mountain GA 30083

Parcel ID#: 18-043-02-009

Acreage: _____ Commission District: _____

Present Zoning District(s): _____

Proposed Zoning District: _____

Present Land Use Designation: NS

Proposed Land Use Designation (if applicable): OI



Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

REZONING APPLICATION CHECKLIST

Email one (1) copy of your application as one (1) PDF file to Planner. Submit application through our online portal www.epermits.dekalbcountyga.gov

You MUST email us that you've submitted the application online. For questions, email: plansustain@dekalbcountyga.gov

- _____ 1. Schedule a mandatory **Pre-Application Conference** with Planning & Sustainability staff by appointment. Obtain Pre-Application form (to be completed in pre-application meeting). Please email lahill@dekalbcountyga.gov for appointment.
- _____ 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.
- _____ 3. Submit **Application** (Email to planner and submit online permits.dekalbcountyga.gov Please assemble materials in the following order).
 - _____ A. Application form with name and address of applicant and owner, and address of subject property;
 - _____ B. Pre-submittal community meeting notice and sign-in sheet and other documentation of meeting, if any;
 - _____ C. Letter of application and impact analysis
 - _____ 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.
 - _____ 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.
 - _____ 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.
 - _____ E. Campaign disclosure statement (required by State law).
 - _____ 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.)
 - _____ 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:
 - _____ a. complete boundaries of subject property;
 - _____ b. dimensioned access points and vehicular circulation drives;
 - _____ c. location of all existing and proposed buildings, structures, setbacks and parking;
 - _____ d. location of 100-year floodplain and any streams;
 - _____ e. notation of the total acreage or square footage of the subject property;
 - _____ f. landscaping, tree removal and replacement, buffer(s); and
 - _____ e. 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.
 - _____ H. Written Legal Description of metes and bounds of the subject property (can be printed on site plan or survey).
 - _____ I. Building Form Information. Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.
 - _____ J. Completed, signed Pre-application Form (Provided at pre-application meeting.)

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



DEPARTMENT OF PLANNING & SUSTAINABILITY

IMPACT ANALYSIS

(Please respond to the following standards and factors on a separate sheet.)

Section 27-7.3.5. The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map:

- A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.
- B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties.
- E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- F. Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources.
- G. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

The zoning proposal to rezone the property at 3960 Rockbridge Road from NS (Neighborhood Shopping) back to its original zoning of OI (Office-Institutional) is in clear conformity with the policy and intent of the Comprehensive Plan. The Comprehensive Plan aims to promote land uses that enhance the quality of life, support community needs, and encourage sustainable development. The proposed daycare center aligns with these goals by providing an essential service to families in the community, fostering a supportive environment for working parents, and contributing to the local economy. Restoring the OI zoning designation not only respects the property's historical zoning but also supports the Plan's objectives of encouraging mixed-use developments that integrate commercial, institutional, and residential uses. This proposal complements the broader vision of the Comprehensive Plan by ensuring that land use is both practical and beneficial to the community.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

Rezoning the subject property from NS (Neighborhood Shopping) to OI (Office-Institutional) is well-suited to the existing and future use of adjacent and nearby properties. The property was originally zoned OI, and restoring this designation aligns with the character of the surrounding area, which includes a mix of commercial and institutional uses. A daycare center will provide a valuable community service, complementing nearby businesses and residential areas. Moreover, the location next to the Georgia Power distribution station offers a natural buffer from the adjacent neighborhood, ensuring that the daycare operates without disrupting the residential environment. The proposed use is consistent with the neighborhood's overall development goals, ensuring that the character and vitality of the area are maintained.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

While the property is currently zoned NS (Neighborhood Shopping), allowing for various retail and commercial uses, its economic viability is limited due to changing market conditions and the specific needs of the surrounding community. The demand for traditional retail space has decreased, while the need for essential services, such as childcare, has significantly increased. Rezoning the property back to its original OI (Office-Institutional) designation would not only make better economic use of the property but also meet a critical community need. The proposed daycare center represents a sustainable and productive use of the land, ensuring that it continues to contribute to the local economy in a meaningful way.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties.

The proposed rezoning from NS (Neighborhood Shopping) back to its original OI (Office-Institutional) designation will not adversely affect the existing use or usability of adjacent or nearby properties. On the contrary, the introduction of a daycare center is expected to enhance the overall utility of the area by providing a service that complements the surrounding businesses and residential properties. The daycare center will generate increased foot traffic, potentially benefiting nearby retail establishments, while maintaining a low impact on traffic and noise levels. Additionally, the property's location next to the Georgia Power distribution station provides a buffer from the adjacent neighborhood, ensuring minimal disruption to residential areas. The proposed use aligns well with the mixed-use nature of the area and supports the community's needs without disrupting the existing environment.

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The current state of the property, which has allowed for an unregulated parking lot for tractor trailers and illegal mechanical work, underscores the need to revert to its original zoning of OI. These activities not only detract from the property's potential but also negatively impact the surrounding area. Rezoning the property back to OI (Office-Institutional) would facilitate a more appropriate and beneficial use of the land, replacing these undesirable activities with a well-regulated daycare center. This shift aligns with the broader community's goals of maintaining a clean, safe, and family-friendly environment. Additionally, the location next to the Georgia Power distribution station further supports the suitability of the daycare center by providing a buffer from the residential neighborhood. The proposed rezoning is supported by the need to address these issues and to promote a use that is in the best interest of the neighborhood and the property itself.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.

The zoning proposal to rezone the property from NS (Neighborhood Shopping) back to its original OI (Office-Institutional) designation will not adversely affect any historic buildings, sites, districts, or archaeological resources. The subject property does not contain, nor is it adjacent to, any known historic or archaeologically significant areas. The proposed use as a daycare center is consistent with preserving the character of the community and does not involve any construction or alterations that would compromise the integrity of any historic or culturally significant sites. Therefore, this proposal supports the continued protection of local heritage while allowing for appropriate development.

G. Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed rezoning from NS (Neighborhood Shopping) back to its original OI (Office-Institutional) designation for the operation of a daycare center is not expected to cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The traffic generated by a daycare center typically occurs during off-peak hours, reducing the impact on local traffic flow. Additionally, the property is adequately served by existing utilities, and the scale of the proposed use is well within the capacity of local infrastructure. The daycare center will also provide a community service that does not place additional demands on local schools, as it caters primarily to preschool-aged children. Overall, the proposed rezoning aligns with the current capacity of public services and infrastructure in the area.

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

The zoning proposal to rezone the property from NS (Neighborhood Shopping) back to its original OI (Office-Institutional) designation will not adversely impact the environment or surrounding natural resources. The proposed daycare center will adhere to all environmental regulations and best practices, ensuring that the development is environmentally responsible. Unlike the current use, which has led to unregulated activities like illegal mechanical work, the daycare center will be a clean and managed facility that minimizes environmental risks. Additionally, the proposed use does not involve significant land disturbance or the release of pollutants, thus preserving the integrity of the natural surroundings. The rezoning will, in fact, contribute to the environmental well-being of the area by replacing potentially harmful activities with a safe and sustainable use.



DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes No *

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.

Notary

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: _____

TO WHOM IT MAY CONCERN:

(I) (WE) _____
Name of owner(s)

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.

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Exhibit "A" Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 43 OF THE 18TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY OF ROCKBRIDGE ROAD 94.00 FEET EASTERLY, FROM THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF ROCKBRIDGE ROAD WITH THE CENTERLINE OF OLD STONE MOUNTAIN ROAD; RUNNING THENCE NORTH 20 DEGREES 49 MINUTES 49 SECONDS EAST 338.42 FEET; RUNNING THENCE SOUTH 84 DEGREES 30 MINUTES 16 SECONDS EAST 60.03 FEET TO AN IRON PIN; RUNNING THENCE SOUTH 17 DEGREES 33 MINUTES 05 SECONDS WEST 323.73 FEET TO A CONCRETE MONUMENT LOCATED ON THE NORTHERLY RIGHT OF WAY OF ROCKBRIDGE ROAD; RUNNING THENCE SOUTH 88 DEGREES 41 MINUTES 04 SECONDS WEST ALONG THE NORTHERLY RIGHT OF WAY OF ROCKBRIDGE ROAD 82.49 FEET TO THE POINT OF BEGINNING, THIS BEING IMPROVED PROPERTY KNOWN AS NO. 3960 ROCKBRIDGE ROAD, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN DEKALB COUNTY, GEORGIA, SAID LEGAL DESCRIPTION BEING MORE PARTICULARLY SHOWN ON THAT PLAT OF SURVEY PREPARED BY SEXTON G. SHEPHERD, JR., R.L.S., DATED 11/5/80.

LESS AND EXCEPT that portion of subject property conveyed to Dekalb County by virtue of a Right of Way Deed from Charles H. Staples and Raymond A. Suddeth, dated December 3, 1980, filed for record January 23, 1981, recorded in Deed Book #410, Page 169, aforesaid records.

DS
YK DS

AC
98c87ed

David Cesar
335 Crosstree Ln
Atlanta, GA 30328
08/26/2024

DeKalb County Planning and Zoning Department
178 Sams Street
Decatur GA 30030

Dear Members of the Planning and Zoning Department,

I am writing to formally submit my rezoning application for the property located at 3960 Rockbridge Road, Stone Mountain, Georgia. My name is David Cesar, and I am seeking to rezone the property from its current designation of NS (Neighborhood Shopping) back to its original zoning of OI (Office-Institutional).

The property was originally zoned as OI before being changed by the previous owners in 2016. My intent is to restore the OI zoning to operate a daycare center, which I believe will significantly enhance the surrounding businesses and community. The daycare center will provide essential services to local families, support working parents, and contribute to the local economy by offering a valuable resource for early childhood education and care.

The proposed rezoning aligns with the DeKalb County Comprehensive Plan, which seeks to promote land uses that improve the quality of life and support sustainable community development. The OI zoning designation is suitable for the area, as it complements the existing mix of commercial and institutional uses while integrating seamlessly with nearby residential neighborhoods.

Additionally, the property's location next to the Georgia Power distribution station provides a natural buffer from the adjacent neighborhood, ensuring that the daycare center operates with minimal impact on the surrounding homes. This location is ideal for the proposed use, offering a safe and convenient environment for children while contributing positively to the community's overall development goals.

I am committed to adhering to all county regulations and best practices to ensure that the development is both environmentally responsible and beneficial to the community. I believe that this rezoning will allow the property to reach its full potential, replacing unregulated and undesirable activities with a well-regulated, family-oriented facility that meets the needs of our growing community.

Thank you for your consideration of this application. I am available to discuss any aspect of this proposal further and look forward to the opportunity to contribute positively to the Stone Mountain community.

Sincerely,
David Cesar











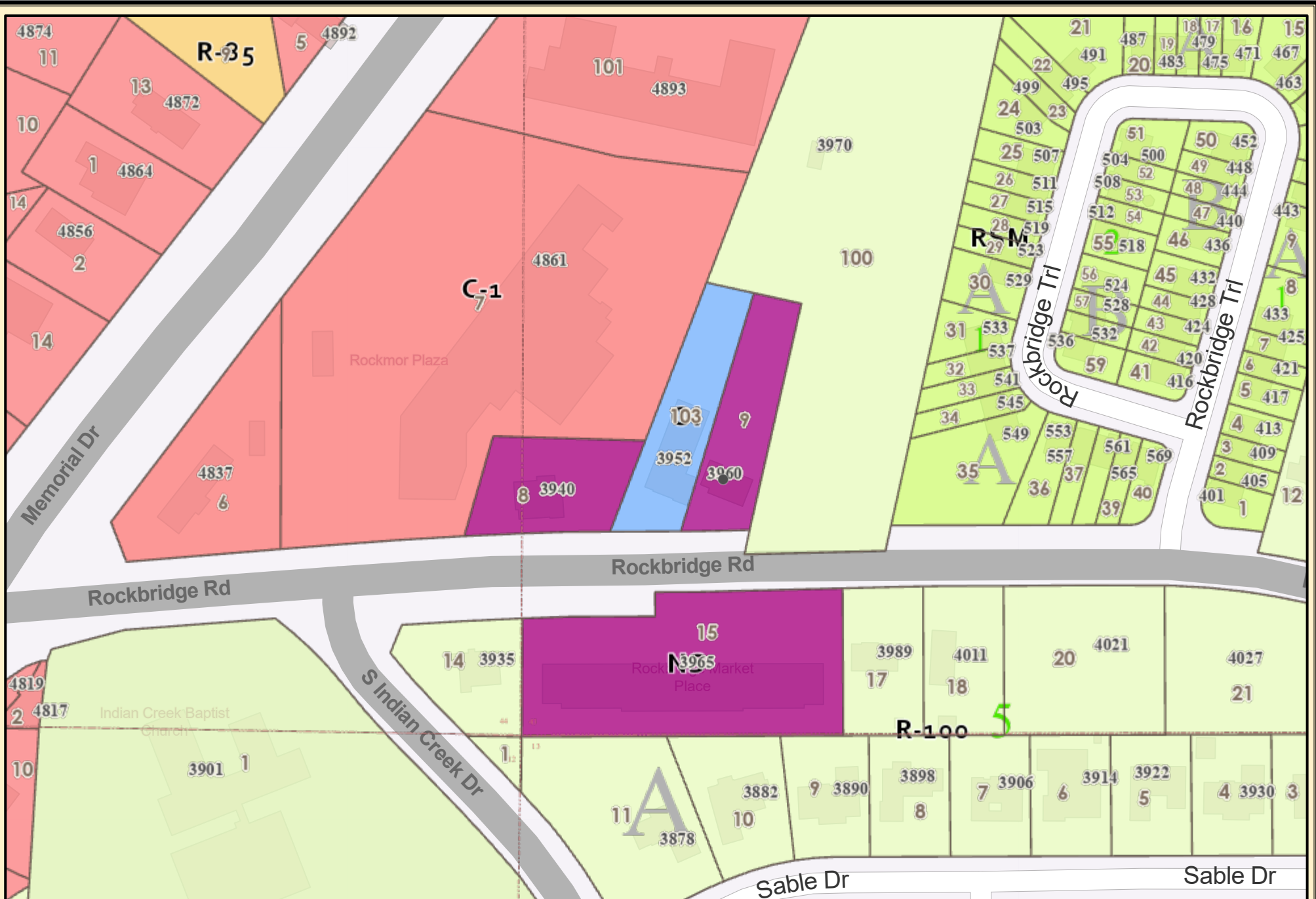




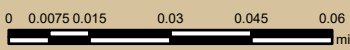








DeKalb County Parcel Map

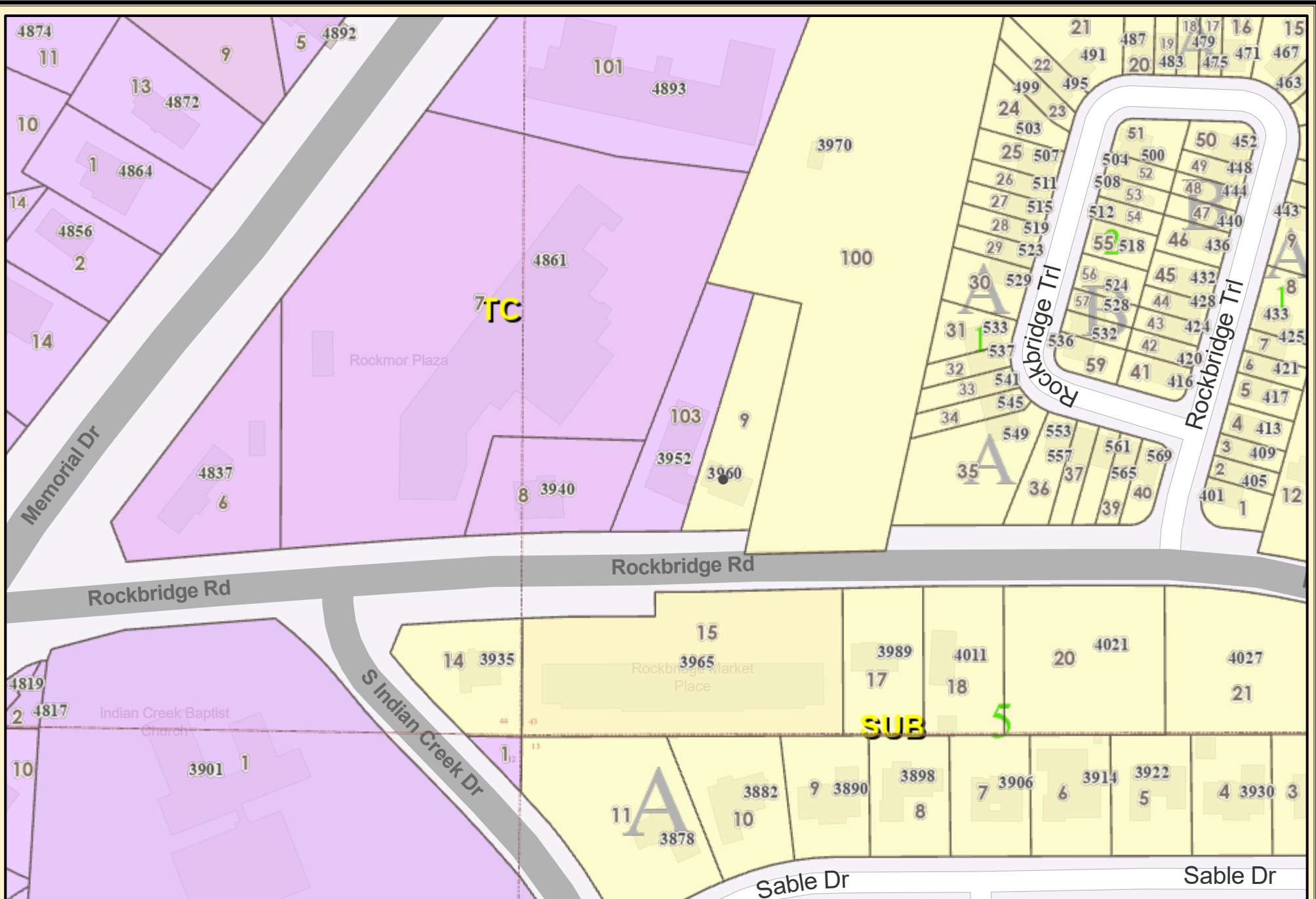


Date Printed: 10/28/2024

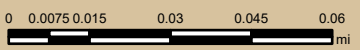


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DeKalb County Parcel Map

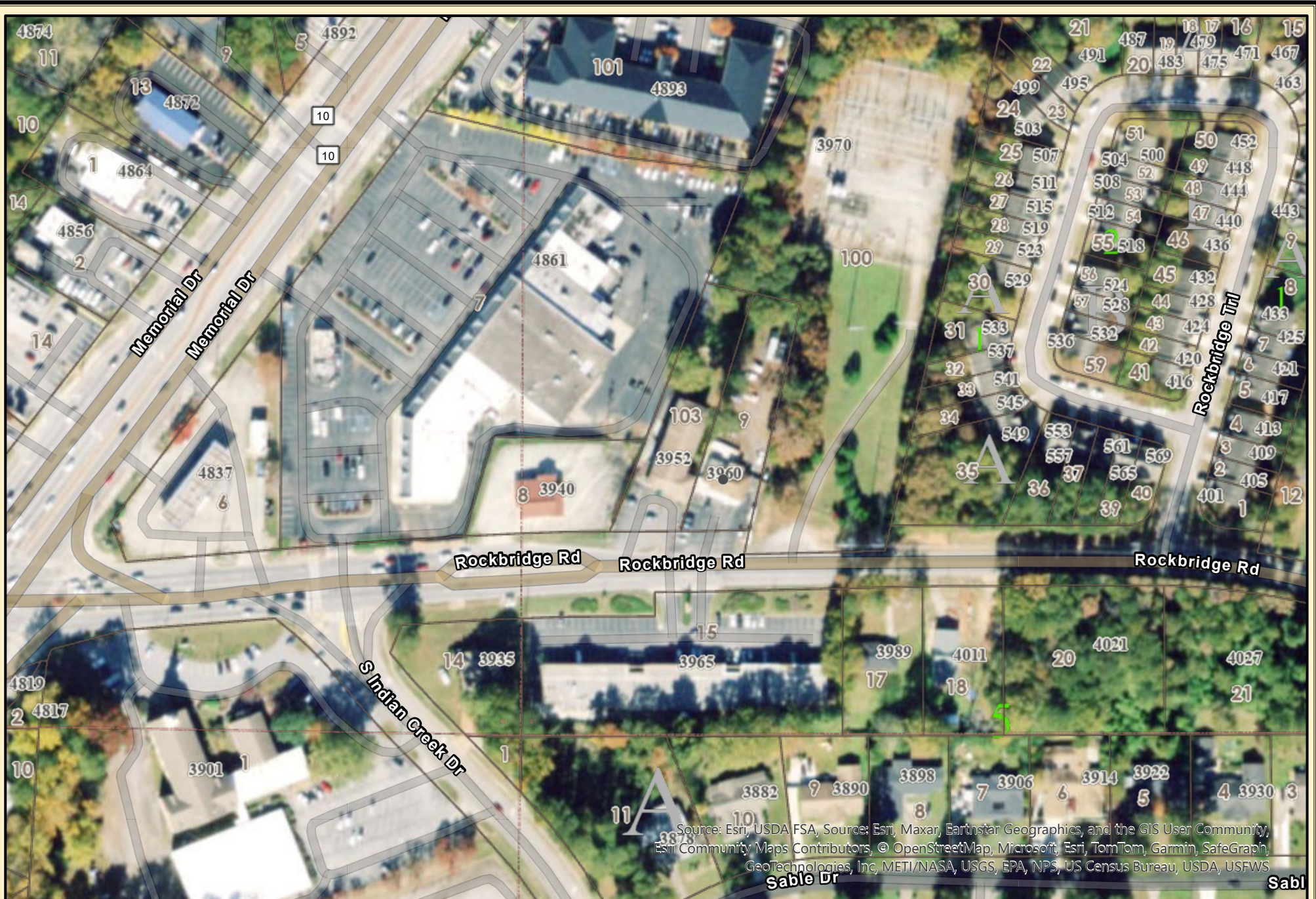


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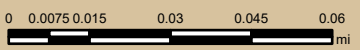
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DeKalb County Parcel Map



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