

**MEMORANDUM**

**To:** Mayor & City Council

**From:** Steve Foote, AICP

**Date:** April 28, 2014

**Subject:** **SLUP 14-031:** Candace Johnston, owner of 4789 Coldstream Drive, Dunwoody, GA 30360, seeks the permission to operate a child day care facility in a single-family zoning district under the approval of a Special Land Use Permit. The tax parcel number is 18 358 06 017.



**BACKGROUND**

The subject property is located in the Dunwoody Highlands subdivision, west of the intersection at Tilly Mill Road and Peeler Road. It is currently zoned R-100 (Single-Family Residential District). Pursuant to the City of Dunwoody Zoning Ordinance §27-4.20, applicant, Candace Johnston, seeks permission for a Special Land Use Permit (SLUP) to operate a child day care facility in a single-family residential zoning district.

The site comprises an existing single-family detached home on approximately 16,288.39 square feet (.37 acre) of land. The property abuts single-family home development on all sides. The lot is generally flat, relative to the average slopes found in the region, and has landscaping throughout as well as mature tree cover on the southern and eastern portions.

According to the site plan submitted January 6, 2014, the applicant proposes to use almost 35 percent of her home to operate a child day care facility. There will be three separate rooms utilized for operations: 192 square foot indoor play area, 144 square foot eating area for

meals/snacks, and 120 square foot sleeping area. The rear yard will also be devoted to outdoor playtime, which is entirely fenced in and allots 4,790 square feet to the children’s play area. The applicant proposes to only have a maximum of four children enrolled at one time.

**SPECIAL LAND USE ANALYSIS**

**Section 27-57. Uses Allowed.**

The following table identifies uses allowed in residential zoning districts. See subsection 27-111(4) for information about how to interpret the use table.

Use	R-100 District	Supplemental Regulations
Day Care		
Day care facility, child (6 or fewer persons)	S	27-137

*S = special land use permit req'd*

**Section 27-137. Day cares.**

- ...
- d) *Child day care facility.* Child day care facilities are subject to all of the following requirements:
1. At least 30 square feet of indoor play area must be provided for each child, based on maximum allowed enrollment.
  2. At least 100 square feet of outdoor play area must be provided for each child, based on maximum allowed enrollment. All outdoor play areas must be enclosed by a fence or wall at least 4 feet in height.
  3. Not more than 50% of the floor area of a residence may be used for a child day care facility.
  4. The exterior residential appearance of the dwelling must be maintained, and no signs other than those otherwise permitted within the subject zoning district are allowed. No cut-outs, animal characters, or other graphics may be affixed to the exterior of the building or displayed on the premises.
  5. Persons seeking to operate a child day care facility must file a permit application with the community development department. Each application must be accompanied by the applicant's affidavit certifying the maximum number of children that will be served simultaneously and that the proposed child day care facility will meet and be operated in accordance with all applicable state laws and regulations and with all ordinances and regulations of the city. The community development department may require that the applicant provide additional information deemed necessary to determine whether the proposed facility will meet applicable laws, ordinances and regulations. If a proposed child day care facility is required to obtain a certificate of registration from the state department of human resources, a permit for the operation of the facility may not be issued until proof has been submitted by the applicant that the certificate of registration has been obtained.

**Conditions of the Zoning Ordinance**

Chapter 27, Section 27-359 identifies the following criteria to be applied by the department of planning, the planning commission, and the city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the city council unless satisfactory provisions and arrangements have been

made concerning each of the following factors, all of which are applicable to each application:

- 1) Whether the proposed use is consistent with the policies of the comprehensive plan; ***The proposed use is consistent with the comprehensive plan. The residential features and function of the site will remain intact despite the modified use.***
- 2) Whether the proposed use complies with the requirements of this zoning ordinance; ***The proposed use, child day care facility, is authorized in R-100 district only by the special land use permit, and subject to the additional requirements of Section 27-137(d). The total square footage for the house is 2,200 square feet. According to the site plan, the indoor play area is approximately 192 square feet, which equates to 48 square feet per child. The amount of outdoor space available for a play area is roughly 4,790 square feet—providing 1,197.5 square feet per child. The applicant certifies that care will be provided for a maximum of 4 children simultaneously and that no more than 50 percent of the dwelling will be used for business operations.***
- 3) Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district; ***The site is more than adequate for the proposed use in terms of open space and off-street parking requirements. The Zoning Ordinance requires at least 100 square feet of outdoor play area be provided for each child, based on maximum allowed enrollment. The applicant's backyard is approximately 4,790 square feet, so if four children were enrolled in the facility, then there would be 1,197.5 square feet of outdoor play area per child. The rear yard is also configured to help screen the property from adjoining neighbors with a 4-foot high fence along the property lines, which extends to 5 feet on the north side and 6 feet on the architectural front side of the house as well as mature tree cover on the southern and eastern portions.***

***For a child day care facility, the minimum off-street motor vehicle parking spaces required is four. The applicant's property is capable of meeting this standard due to the driveway being 82.6 feet long and 15.6 feet wide (or 1,288.56 square feet)—allowing for cars to stack during times of pick-up and drop-off instead of parking on the street.***

- 4) Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:
  - a. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use; ***The proposed use will not generate adverse impacts from excessive noise, smoke, odor, dust, or vibration towards adjoining land uses.***
  - b. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use; ***The applicant proposes to operate the child day care facility between the hours of 8:00 a.m. and 5:30 p.m., Monday through Friday. These hours of operation are compatible with the requirements of the City Noise Ordinance and will likely not create adverse impacts upon any adjoining residential properties.***



- c. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use; **The proposed use will substantially be operated inside the dwelling, except for occasional outdoor play time. Due to the lack of difference from what is currently carried out in the surrounding area, it should not create adverse impacts on neighboring land uses.**
  - d. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the proposed use; **It is unlikely that adjacent land uses will be adversely affected by the volume of cars created by the proposed use. At a maximum, four separate vehicles will be at the property at one time; however, the driveway is long enough to accommodate any stacking and will prevent the possibility of on-street parking.**
  - e. 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; **The subject property consists of approximately 16,288.39 square feet, and the existing structures are constructed at a size and scale for the current performance standards expected on a lot of this size. The majority of operations for the child day care facility will take place inside the dwelling, and will not require any adjustments to the home's character or interfere with the neighborhood's overall aesthetic.**
- and
- f. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources; **There are no known historic buildings, sites, districts, or archaeological resources in any proximity to the site, nor would any such resources be impacted by the proposed use.**
- 5) Whether public services, public facilities and utilities—including motorized and non-motorized transportation facilities—are adequate to serve the proposed use; **The current infrastructure is adequate to serve the proposed use.**
  - 6) Whether adequate means of ingress and egress are proposed, with particular reference to non-motorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access; **The subject property is a part of Dunwoody Highlands subdivision, which has four access points available for entry/exit onto either Tilly Mill Road, Peeler Road, or Happy Hollow Road. While there is only one access point to the house via residential driveway, the neighborhood, as a whole, provides adequate ingress and egress to the site and its structures for vehicular and pedestrian traffic.**
  - 7) Whether adequate provision has been made for refuse and service areas; **Since the residence already exists, there are already adequate refuse and service areas. The average weekly amount of waste for the residence is sure to increase with the intensified use; however, it is not anticipated that the use will generate more refuse than a typical residential use.**

and

- 8) Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building. ***The existing structure and layout of the home will remain intact. There are no proposed changes to the dwelling's architectural characteristics.***

In addition to the generally applicable special land use permit approval criteria of §27-359, the community development department, planning commission, and city council must consider the following factors when reviewing and acting on special land use permit applications for child day care facilities:

1. Whether there is adequate off-street parking for all staff members and for visitors to the child day care facility; ***The applicant will be the sole staff member for the day care facility. At a maximum, there will be four visitors at one time and the size of the driveway is adequate enough to provide off-street parking for these individual vehicles.***
2. Whether the proposed off-street parking areas and the proposed outdoor play areas can be adequately screened from adjacent properties so as not to adversely impact any adjoining land use; ***The residence's driveway will be the location for all off-street parking. It is located towards the southern portion of the lot, which has mature tree cover to screen the vehicles from the neighboring property. Additionally, outdoor play will take place in the rear yard, which is completely enclosed by a fence that is 4 feet high on the south side and rear, 5 feet high on the north side, and 6 feet high in the front. The placement of the fence, together with existing landscaping, helps create a buffer between adjoining lots.***
3. Whether there is an adequate and safe location for the dropping off and picking up of children at the child day care facility; ***The applicant's existing driveway provides an adequate amount of space for the dropping-off and picking-up of children in a safe and timely manner.***

and

4. Whether the character of the exterior of the proposed structure will be compatible with the residential character of any surrounding residential buildings. ***No new structures are proposed as a function of this use. The existing home is properly scaled in relation to the remainder of the neighborhood.***

### Council Actions

Pursuant to Section 27-358 of the Zoning Ordinance, upon receipt of recommendations from the planning commission, the mayor and city council must hold a public hearing on the special land use permit (SLUP) application. Following the close of the public hearing, the mayor and city council must act by simple majority vote to:

1. Approve the SLUP as presented,
2. Approve the SLUP with conditions, or
3. Deny the SLUP based on the applicable review and approval criteria of section 27-359.

The mayor and city council are also authorized to defer action on the special land use permit or allow the applicant to withdraw the SLUP without prejudice.

The first and third options are: approve the use consistent with the submittal documents, after finding they comply and are congruent with the terms found in the above analysis, or deny the application, for not being appropriate.

When creating conditions of approval, the choices may seem endless, but in fact are limited to those conditions which are found to have a rational nexus between the uses proposed and the conditions assigned, and those conditions which do not derivate from the established policies and procedures found in the City Code. The conditions of approval must only apply directly to the initiation of the new use as submitted.

## **RECOMMENDATION**

Staff recommends **approval** of the Special Land Use Permit application to operate a child day care facility in a single-family residential zoning district with the following conditions:

1. The child day care facility may only operate between the hours of 8:00 a.m. and 5:30 p.m., Monday through Friday.
2. The maximum number of children that may be enrolled at the day care facility at one time is four.
3. No vehicle (including the property owner's vehicle) may be parked on the public right of way in such a manner to block or impede regular traffic flow, block or impede fire hydrants, or block or impede neighbor's access to their property and regular ingress/egress to their driveway.
4. The exterior of the residential dwelling must be maintained, and no signs other than those otherwise permitted within the subject zoning district are allowed.

The Planning Commission heard the applicant's request to operate an in-home child day care facility in the R-100 district at their regular March meeting. After much discussion with the applicant and staff, the Commission recommended approval of the request (7 – 0) with the following condition, in addition to the other recommendations by staff:

5. The special land use permit runs with homeowner for a ten year period.

## **Attachments**

- Location Map, Zoning Districts Map, Future Land Use Map
- Planning Commission Meeting Minutes
- Application Packet

STATE OF GEORGIA  
CITY OF DUNWOODY

**ORDINANCE 2014-XX-XX**

**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING MAP FOR ZONING CONDITIONS OF LOT PARCEL NUMBER 18 358 06 017 IN CONSIDERATION OF SPECIAL LAND USE PERMIT 14-031 (4789 Coldstream Drive, Dunwoody, Georgia 30360)**

**WHEREAS:** Notice to the public regarding said modification to conditions of zoning has been duly published in The Dunwoody Crier, the Official News Organ of the City of Dunwoody, Georgia; and

**WHEREAS,** the Special Land Use Permit 14-031 is requested pursuant to Sections 27-57 of the City of Dunwoody Zoning Ordinance to operate a child day care facility in a single-family residential district; and

**WHEREAS:** Owner of the Property requests the use of 35% of the residence for the operation of child day care facility and provide care for a maximum of four (4) children at any particular time; and

**WHEREAS:** the Mayor and City Council have conducted a public hearing as required by the Zoning Procedures Act prior to adoption of this Ordinance.

**NOW THEREFORE,** The Mayor and City Council of the City of Dunwoody hereby ORDAINES and APPROVES the Special Land Use Permit 14-031 of this said property in order to operate a child day care facility, subject to the following conditions:

1. The child day care facility may only operate between the hours of 8:00 a.m. and 5:30 p.m., Monday through Friday.
2. The maximum number of children that may be enrolled at the day care facility at one time is four.
3. No vehicle (including the property owner’s vehicle) may be parked on the public right of way in such a manner to block or impede regular traffic flow, block or impede fire hydrants, or block or impede neighbor’s access to their property and regular ingress/egress to their driveway.
4. The exterior of the residential dwelling must be maintained, and no signs other than those otherwise permitted within the subject zoning district are allowed.

**SO ORDAINED AND EFFECTIVE,** this \_\_\_\_ day of \_\_\_\_\_, 2014.

#L.2.

STATE OF GEORGIA  
CITY OF DUNWOODY

**ORDINANCE 2014-XX-XX**

Approved by:

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Michael G. Davis, Mayor

Attest:

Approved as to Form and Content

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Sharon Lowery, City Clerk

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City Attorney

SEAL






**4789 Coldstream Drive**

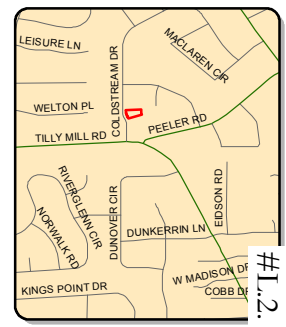
Site Location

December 2013

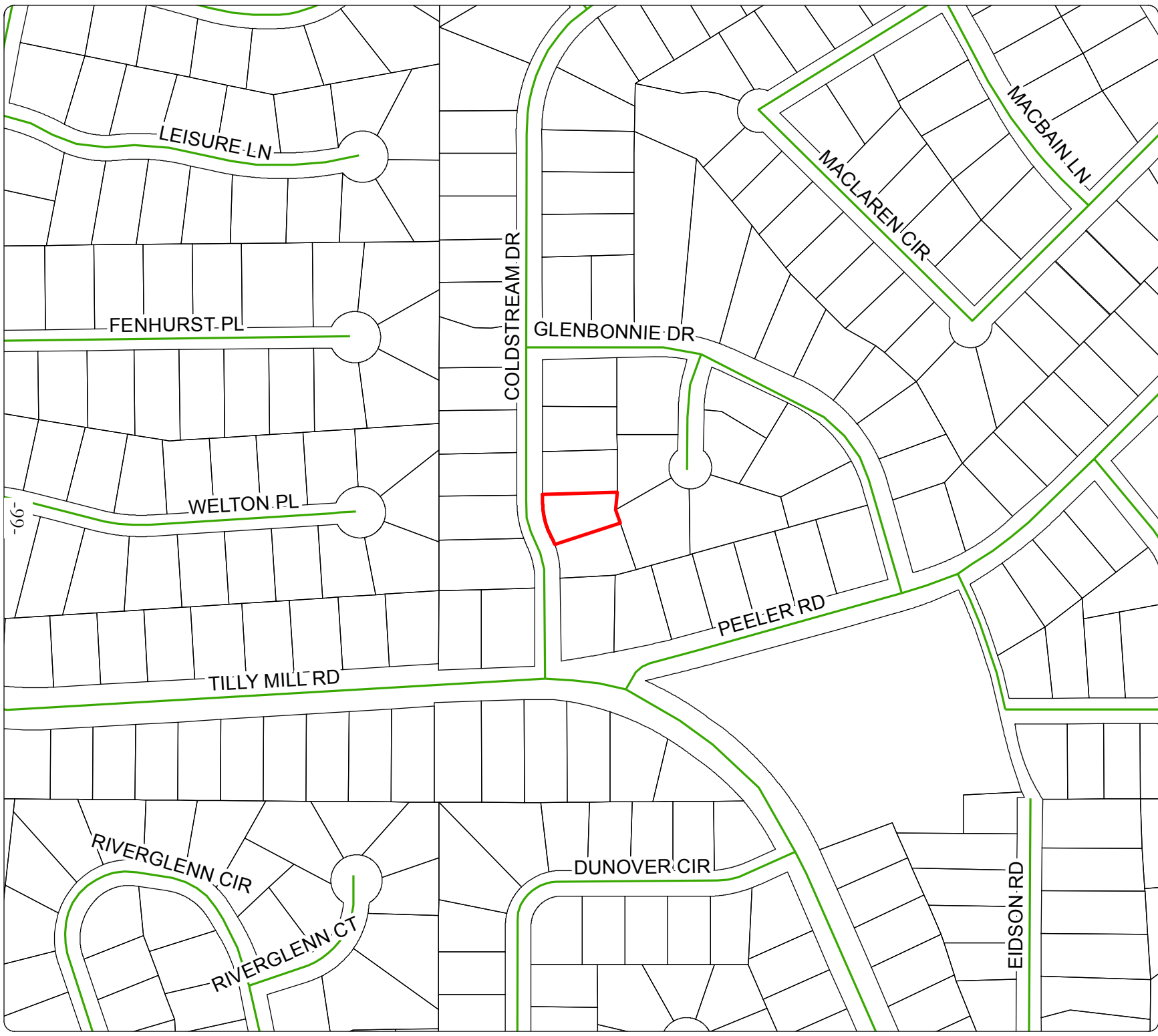
**Legend**

-  Street Centerlines
-  Parcels

 Scale: 1"=300'  
(1:3600)



#1.2.



**4789 Coldstream Drive**

SLUP 14-031

December 2013

**Legend**

- Street Centerlines
- Parcels

**City Zoning DISTRICT**

- General Commercial
- Industrial
- Local Commercial
- Multi Family Residential
- Multi-Family Residential
- Neighborhood Shopping
- Office-Commercial-Residential
- Office-Distribution
- Office-Institution
- Office-Institution-Transitional
- Pedestrian Community
- Planned Development
- Residential Community Development
- Single Family Cluster Residential
- Single Family Residential

Scale: 1"=300'  
(1:3600)

#1.2.



**4789 Coldstream Drive**

Future Land Use

December 2013

**Legend**

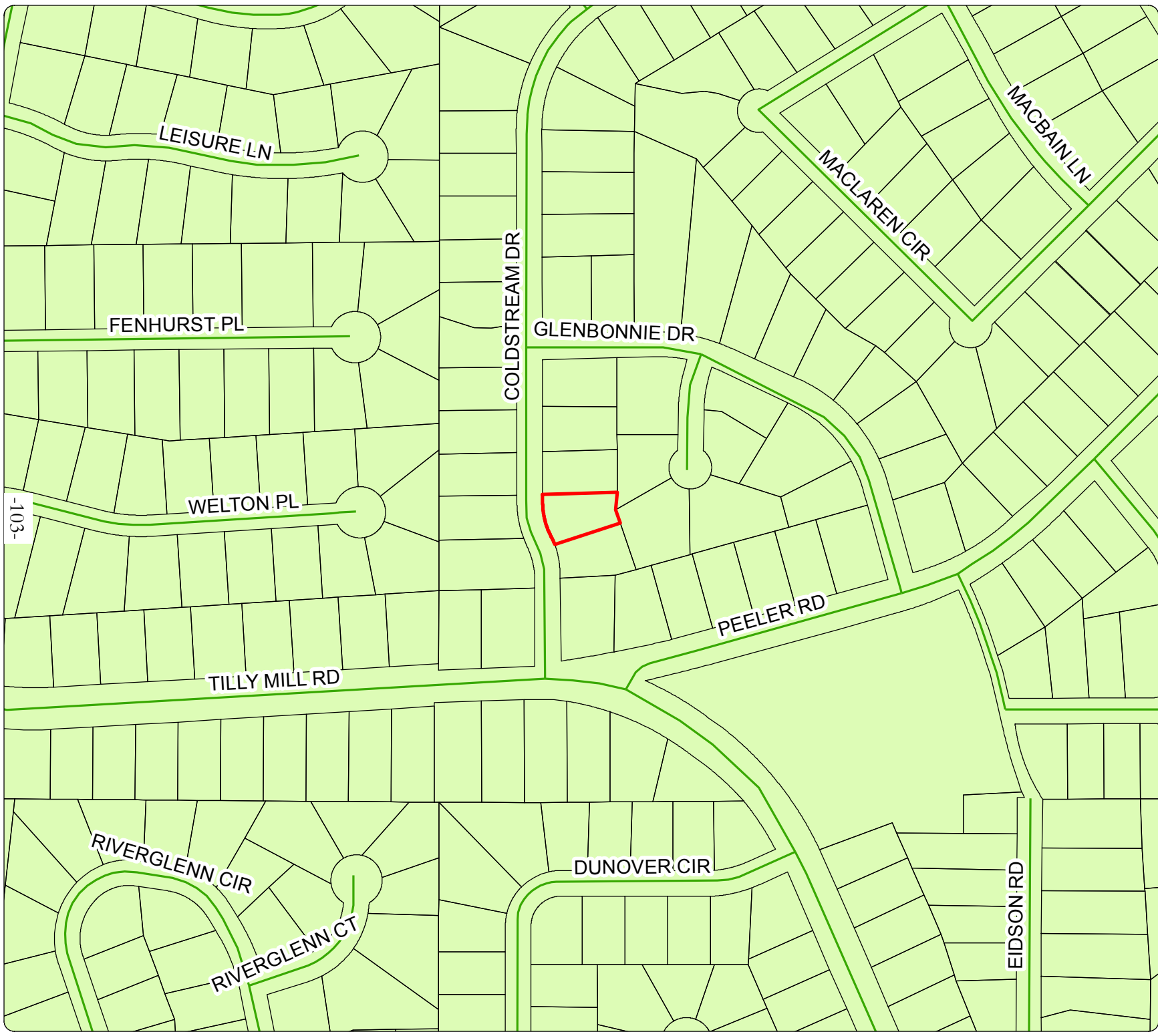
- Street Centerlines
- Parcels

**Future Land Use**

Name	Color
Community Facility/Water Treatment	Light Purple
Dunwoody Village	Light Blue
Georgetown-Shallowford Road	Blue
Institutional/Campus	Pink
Jett Ferry Gateway	Yellow
Multi-Family/Mixed-Use	Light Orange
Office	Light Green
Perimeter Center	Light Green
Residential	Light Green
Tilly Mill Gateway	Pink
Winters Chapel Redevelopment Area	Light Blue

Scale: 1"=300'  
(1:3600)

#1.2.



**CITY OF DUNWOODY**  
**March 11, 2014**  
**PLANNING COMMISSION MINUTES**

The Planning Commission of the City of Dunwoody held a Meeting on March 11, 2014 at 7:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Bill Grossman, Chairman  
 Bob Dallas, Vice Chairman  
 Kirk Anders, Commission Member  
 Tom Dwyer, Commission Member  
 Renate Herod, Commission Member  
 Paul Player, Commission Member  
 Heyward Wescott, Commission Member

Also Present: Steve Foote, Community Development Director  
 Rebecca Keefer, City Planner  
 Christie Berkowitz, Planning Coordinator

A. CALL TO ORDER

B. ROLL CALL

**All members were present.**

C. MINUTES

1. Approval of Meeting Minutes from July 9, 2013 Planning Commission Meeting.

**Commission Member Bob Dallas motioned to approve. Commission Member Tom Dwyer seconded.**

**The motion was voted and passed (6 - 0). Heyward Wescott abstained.**

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

**Commission Members inquired about receiving hard copies of meeting packets in the future.**

**Heyward Wescott, newest commission member, introduced himself and provided information on his background.**

**Steve Foote, Community Development Director, introduced himself to the Planning Commission.**

**Rebecca Keefer mentioned the codified copies of the Code for Chapter 16 and 27, distributed earlier, needed to replace previous versions and be referenced in the future.**

**Commission Members and staff discussed terms for Chair and Vice Chair.**

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. SLUP 14-031: Candace Johnston, owner of 4789 Coldstream Drive, Dunwoody, GA 30360, seeks the permission to operate a child day care facility in a single-family zoning district under the approval of a Special Land Use Permit. The tax parcel number is 18 358 06 017.

**Steve Foote introduced the application and noted the next steps in the SLUP process. Mr. Foote also mentioned an email sent to the Commission earlier from a Dunwoody Highlands resident, who recommended the SLUP run with the homeowner instead of the land.**

**Candace Johnston, applicant, spoke in favor of the request—explaining her qualifications and addressing the requirements of the code that she plans to meet.**

**Commission Members asked questions of the applicant. Mrs. Johnston was agreeable to the proposed conditions, including the additional condition of limiting the approval to the applicant and not the land.**

**Fred Youmans, 4781 Coldstream Drive, spoke in favor of the request.**

**Eric Letbetter, 4908 Kilt Court, spoke in opposition. While he commends the applicant for making the request compliantly in accordance with City Codes and agrees to the proposed conditions, he noted other in-home day cares that operate within a half mile of the subject property. He submitted maps of the neighborhood in relation to these other day cares to the Commission, and highlighted other issues related to the location of the neighborhood.**

**Roy Mann, spoke against the request—showing concern about property values, roadway obstructions, dangers for children in the area, and traffic.**

**Ray McDowell, 4806 Tilly Mill Road, spoke against the request, wanting to keep the area strictly residential.**

**Commission Members asked questions of staff and the applicant. This helped to clarify the length of the special land use permit, whether the applicant meets the supplemental regulations for day care facilities, and the possibility of establishing a time limit for the use. The applicant also tried to pacify concerns related to traffic and added volume due to a grant of the request.**

**Commission Member Renate Herod motioned to approve with the condition that the special land use permit runs with homeowner for a ten year period in addition to the other recommendations by staff. Commission Member Paul Player seconded.**

**The motion was voted and passed (7 - 0).**



G. OTHER BUSINESS

**Bob Dallas submitted pictures from the Livable Centers Initiative study of the Perimeter Center sub-market, on the Dunwoody side, showing a gulch around the Dunwoody MARTA station. It is proposed that the gulch be turned into a park—begging the questions: How would a park come to fruition? How do you pay for it? Should we use impact fees?**

**In upcoming meetings, members of the Commission request that staff provide detailed information on how Georgia law authorizes impact fees, including both good and bad examples.**

**Commission Members further discussed with staff the various types of impact fees and the effect they have on the community.**

H. PUBLIC COMMENT

**Sheila Livingston, 1285 Witham Drive, inquired about the rezoning on Roberts Drive. She is concerned about flooding on her property due to runoff, and sought guidance on how to get Georgia Power to remove dead brush so she can see where water is entering her property.**

I. COMMISSION COMMENT

**Commission Members commented on previous meeting's minutes being thorough.**

**Members of the Commission, specifically four of them, requested both hard and electronic copies of meeting packets in the future.**

**The Commission also mentioned what a great opportunity the National APA Conference is going to be in April.**

J. ADJOURN

Approved by:

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Secretary

# SPECIAL LAND USE PERMIT APPLICATION



41 Perimeter Center East | Dunwoody, GA 30346  
Phone: (678) 382-6800 | Fax: (770) 396-4828

**\* Applicant Information:**

Company Name: Highlands Academics  
 Contact Name: Candace Johnston  
 Address: 4789 Coldstream Dr. Dunwoody 30360  
 Phone: 404-218-1333 Fax: N/A Email: Candli031@bellsouth.net  
 Pre-application conference date (required): \_\_\_\_\_

**\* Owner Information:**  Check here if same as applicant

Owner's Name: \_\_\_\_\_  
 Owner's Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**\* Property Information:**

Property Address: 4789 Coldstream Dr. Parcel ID: 18358 D6 017  
 Zoning Classification: Special Land use  
 Requested Use of the Property: In home childcare

**\* Applicant Affidavit:**

I hereby certify that to the best of my knowledge, this special land use application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I certify that I, the applicant (if different), am authorized to act on the owner's behalf, pursuant to this application and associated actions.

Applicant's Name: Candace Johnston  
 Applicant's Signature: CW Johnston Date: 12/16/13

**\* Notary:**

Sworn to and subscribed before me this 16th Day of DECEMBER, 2013  
 Notary Public: W.K. ANDERSON **W K ANDERSON, NOTARY PUBLIC**  
 Signature: W.K. Anderson **DEKALB COUNTY, GEORGIA**  
 My Commission Expires: 04/24/2015 **MY COMMISSION EXPIRES APRIL 24, 2015**

**\* Owner Affidavit:**

I hereby certify that to the best of my knowledge, this special land use application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I certify that the applicant(s) (if different) are authorized to act on my behalf, pursuant to this application and associated actions.

Property Owner's Name: Candace Johnston  
 Property Owner's Signature: CW Johnston Date: 12/16/13

**\* Notary:**

Sworn to and subscribed before me this 16th Day of DECEMBER, 2013  
 Notary Public: W.K. ANDERSON **W K ANDERSON, NOTARY PUBLIC**  
 Signature: W.K. Anderson **DEKALB COUNTY, GEORGIA**  
 My Commission Expires: 04/24/2015 **MY COMMISSION EXPIRES APRIL 24, 2015**

# Campaign Disclosure Statement



41 Perimeter Center East | Dunwoody, GA 30346  
 Phone: (678) 382-6800 | Fax: (770) 396-4828

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?  YES  NO

**\* Applicant / Owner:**

Signature: <u>Carri Jura</u>	Date: <u>12/16/13</u>
Address: <u>4789 Coldstream Drive Dunwoody 30360</u>	

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount

# Additional Property Owner(s) Notarized Certification

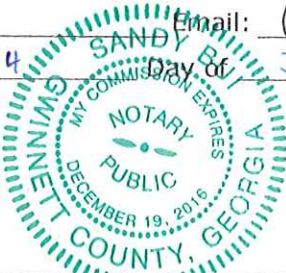


41 Perimeter Center East | Dunwoody, GA 30346  
Phone: (678) 382-6800 | Fax: (770) 396-4828

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**\* Property Owner (If Applicable):**

Signature: Cindy J... Date: 1/4/13  
 Address: 4789 Coldstream Dr  
 Phone: 404-218-1333 Fax: \_\_\_\_\_ Email: Cindyj31@bellsouth.net  
 Sworn to and subscribed before me this 4 Day of January, 2014  
 Notary Public: Sandy...



**\* Property Owner (If Applicable):**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
 Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_  
 Notary Public: \_\_\_\_\_

**\* Property Owner (If Applicable):**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
 Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_  
 Notary Public: \_\_\_\_\_



# Additional Property Owner(s) Notarized Certification




41 Perimeter Center East | Dunwoody, GA 30346  
Phone: (678) 382-6800 | Fax: (770) 396-4828

I hereby certify that to the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I certify that the applicant(s) (if different) are authorized to act on my behalf, pursuant to this application and associated actions.

**\* Property Owner (If Applicable):**

Signature: [Signature] Date: 01-03-2014  
 Address: 4789 COLDSTREAM DRIVE DUNWOODY, GA 30340  
 Phone: 404-226-2914 Fax: \_\_\_\_\_ Email: R66972@ATT.COM  
 Sworn to and subscribed before me this 3rd Day of January, 2014  
 Notary Public: [Signature]



**\* Property Owner (If Applicable):**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
 Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_  
 Notary Public: \_\_\_\_\_

**\* Property Owner (If Applicable):**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
 Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_  
 Notary Public: \_\_\_\_\_



Special Land Use Permit Application  
4789 Coldstream Drive Dunwoody, Ga 30360  
Candace Johnston

---

- A. Whether the proposed use is consistent with the policies of the comprehensive plan; *Yes, the proposed use (in home child care) is consistent with the policies of the comprehensive plan.*
- B. Whether the proposed use complies with the requirements of the zoning ordinance; *Yes, this use complies with the requirements of this zoning ordinance.*
- C. Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the zoning district; *The proposed site exceeds each of the minimum requirements for open space, off street parking, and all other applicable requirements of the subject zoning district. See item H for details.*
- D. Whether the proposed use is compatible with adjacent properties and land uses, including consideration of: *This use is compatible with adjacent properties and land uses.*
- E. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use; *This use will not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration.*
- F. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use; *The proposed hours of operation will be Monday through Friday 8:00am until 5:30pm and should not create any adverse impacts.*
- G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use; *The proposed land use will be similar if not the same as any single family home in Dunwoody with children. The play equipment will be what you could find in any yard.*
- H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volumes of traffic generated by the proposed use; *The proposed use will not create an adverse impact by reason or character of the vehicles or the volume of traffic as parents will drop off and pick up their children in their family vehicles at staggered intervals. There will be no buses involved. The number of vehicles dropping off and picking up will not exceed 4 at any given time and the driveway is 82.6' in length and 15.6' in width and is more than adequate to meets these needs. The average width of a vehicle is approximately 5.5' -6.0'.*
- I. 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; *There will be no changes to existing structures, no new buildings, no expansions, no additions, no changes whatsoever therefore there will be no impact on adjacent properties.*

Special Land Use Permit Application  
4789 Coldstream Drive Dunwoody, Ga 30360  
Candace Johnston

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- J. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources; *The proposed use will have no impact on historic buildings, sites, districts, or archeological resources.*
- K. Whether public services, public facilities and utilities-including motorized and non-motorized transportation facilities-are adequate to serve the proposed use; *All Public services and utilities are more than adequate for the proposed use.*
- L. Whether adequate means of ingress and egress are proposed, with particular reference to non-motorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access; *As parking will be off-street there will be no impact to traffic flow of any kind (motorized or non-motorized) including emergency vehicles.*
- M. Whether adequate provision has been made for refuse and service areas; *Refuse pick up has been secured and will not deviate from the established Dekalb County guidelines.*
- N. Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building; *There will be no changes to my home therefore there will be no height issues to contribute a negative shadow impact on neighboring properties.*
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1. At least 30 square feet of indoor play area must be provided for each child, base upon maximum allowed enrollment. *The designated indoor play area exceeds the requirement at 48 square feet per child.*
2. At least 100 square feet of outdoor play area must be provided for each child, based on maximum allowed enrollment. All outdoor play areas must be enclosed by a fence or wall at least 4 feet in height. *Overall square footage is approximately 6440', with approximately 4790 square feet available as designated play area. All fencing meets or exceeds the 4 foot height requirement. See attached site plan for detailed fencing information.*
3. Not more than 50% of the floor area of a residence may be used for a child day care facility. *Meets this requirement.*
4. The exterior residential appearance of the dwelling must be maintained, and no signs other than those otherwise permitted within the subject zoning district are allowed. No cut-outs, animal characters, or other graphics maybe affixed to the exterior of the building or displayed on the premises. *Nothing will change the existing appearance of my home as I will abide by these rules.*
5. Persons seeking to operate a child day care facility must file a permit application with the community development department. Each application must be accompanied by the applicant's affidavit certifying the maximum number of children that will be served simultaneously and that the proposed child day care facility will meet and be operated in accordance with all applicable state laws and regulations and with all ordinances and

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Candace Johnston

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- regulations of the city. The community development department may require that the applicant provide additional information deemed necessary to determine whether the proposed facility will meet applicable laws, ordinances and regulations. If a proposed child day care facility is required to obtain a certificate of registration from the state department of human resources, a permit for the operation of the facility may not be issued until proof has been submitted by the applicant that the certificate of registration has been obtained. *I Candace Johnston, certify that there will be a maximum of 4 children served simultaneously and I will meet and operate in accordance with all applicable state laws and regulations and all ordinances and regulations of the city. Bright from the Start, the state licensing agency requires a zoning permit from the city before I can submit an application for my In-Home child day care facility license.*
6. In reviewing and acting on special land use permit applications for child day care facilities, authorized review and decision-making bodies must consider the following factors in addition to the generally applicable special land use permit approval criteria of SEC. 27-19-90:
- a. Whether there is adequate off-street parking for all staff members and for visitors to the child care facility: *I will be the sole staff member. The proposed use will not create an adverse impact by reason or character of the vehicles or the volume of traffic as parents will drop off and pick up their children in their family vehicles at staggered intervals. There will be no buses involved. The number of vehicles dropping off and picking up will not exceed 4 at any given time and the driveway is 82.6' in length and 15.6' in width and is more than adequate to meets these needs. The average width of a vehicle is approximately 5.5' -6.0'.*
  - b. Whether the proposed off-street parking areas and the proposed outdoor play areas can be adequately screened from adjacent properties so as not to adversely impact any adjoining land use: *Structures, fencing, and landscaping adequately address these issues.*
  - c. Whether there is an adequate and safe location for the dropping off and picking up of children at the child day care facility: *Yes within the child day care facility (my home).*
  - d. Whether the character of the exterior of the proposed structure will be compatible with the residential character of any surrounding residential building. *There will be no exterior modifications that would alter or change the character of my home or distinguish it from the appearance of the neighboring homes.*



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The neighbors listed below were notified of my plans. No one voiced any concerns or offered any suggestions and as a matter of fact many wished me good luck and said they were glad that my plans would allow me to stay home with my new daughter.

**Neighbors**

Morris  
4772 Coldstream drive  
Notified in person in October 2013

Rodwin  
4782 Coldstream drive  
Notified in person in October 2013

Bupp  
4790 Coldstream Drive  
Notified in person in October 2013

Gebriegziab  
4798 Coldstream Drive  
Notified by phone with message in December 2013

Zoblotsky  
4806 Coldstream Drive  
Notified on phone in December 2013

McGraw  
4814 Coldstream Drive  
Notified on phone with message in December 2013

Dickerson  
4822 Coldstream Drive  
Notified on phone in November 2013

Coleman  
4830 Coldstream Drive  
Notified on phone with message in December 2013

Johnson  
4769 Coldstream Drive  
Notified by letter in December 2013

Youmans  
4781 Coldstream Drive  
Notified in person in October 2013

Piede  
4799 Coldstream Drive  
Notified in person in October 2013



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Taylor  
4807 Coldstream Drive  
Notified on phone with message in December 2013

Okun  
4815 Coldstream Drive

Notified by phone in December 2013

Armstrong  
4802 Glenbonnie Court  
Notified in person in November 2013

Stokes  
4794 Glenbonnie Court  
Notified on phone with message in December 2013

First I would like to say how much I appreciate the assistance and support I have received from the city so far. Christie, Rebecca, and the staff have been fantastic to work with!

I am a Dunwoody native, living here for 29 of my 32 years. Wishing to stay in Dunwoody I found and purchased my home on Coldstream Drive in 2003. My husband is a Dunwoody native as well. Almost 10 months ago we were blessed with our beautiful daughter Aubrey. We consider ourselves fortunate to live in a community with such wonderful and supportive neighbors, friends, and associates. I have provided a number of letters to reflect that approval and support; in fact several of my neighbors came to support me at the last meeting and will be there to support me at the next meeting.

For 12 years I was a teacher at Dunwoody Baptist Preschool and was a nanny in the afternoons as well, in doing so I observed a need for full day child care for many Dunwoody families. As you can imagine parents want to leave their children with people they know and trust and it is a bonus to do so in their own community. Because of my role as a teacher I am widely known and my experience qualifies me to fill this need.

Hopefully you have had the opportunity to review my plan. I will be caring for up to 4 children and I anticipate their age based on community needs to be 6 weeks- 2 years old. The exterior of my home will not change and there will be no outdoor signs or displays of any kind. The play equipment in the backyard will be the same as you would find at any home in Dunwoody with children. My hours will be Monday-Friday from 8:00am-5:30pm.

As the documentation shows I have met or exceeded all of the city's requirements. I do want to say I respect the character and uniqueness of my neighborhood and the community at large, and would never undertake anything that would diminish these qualities. I am excited about this opportunity and hope that I have your support. Thank you!

# **Robert J. Piede D.M.D.**

**4799 Coldstream Drive  
Dunwoody, Georgia 30360  
770-458-5218  
2/8/14**

**Regarding:  
Candace Johnston**

Dear Members of the Dunwoody City Council:

We have lived right next door to Candace and Rob Johnston for several years. During that time Candace worked as a Nanny in other people's homes and at a Church day care center. She has a lot of experience taking care of other people's children.

Ron is a police detective and together they both have made many improvements to their home including making it safe for the children she hopes to care for. They are well liked in the neighborhood have always taken a personal interest in their neighbor's and their well being.

It may be a cliché, but the Johnstons are good people. They are a credit to the Dunwoody community and the service they plan to offer is one which is much needed in Dunwoody with so making working Moms today.

We just had our first Grandson born in Birmingham three months ago. I saw first hand what my son and daughter-in-law had to go through to find a caring, honest and responsible Nanny for my Grandson. At the time I wished they lived in Atlanta so Candace, with so much experience, could have taken care of my Grandson.

I highly recommend Candace and hope that she can fulfill her dream of taking care of children in the Dunwoody community.

Sincerely,

Robert J. Piede D.M.D.



January 25, 2014

Dunwoody Planning Commission  
41 Perimeter Center East  
Suite 250  
Dunwoody, Georgia 30338

**Regarding Special Land Use Permit SLUP 14-031**

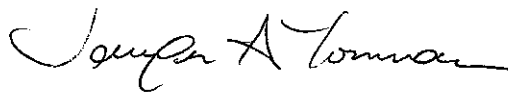
Dear Planning Commission Members,

As owners of the property at 4781 Coldstream Drive, Dunwoody, GA 30360, we fully support Candace Johnston's petition for a Special Use Permit to operate a child day care facility at her home located at 4789 Coldstream Drive, Dunwoody, GA 30360.

Sincerely,



Fred L. Youmans



Jennifer A. Youmans

Jan. 30, 2014

Dear Planning Commission Members,

We are happy to agree, that  
Candace Johnston, shall have a Day Care  
in her home - at 4789 Coldstream Dr, Atl. Ga. 30360.

She is very capable, smart, etc. —

We've known Candace for many years.

Thank you —

Oska + Motley Rodwin

February 9, 2014

Planning Commission  
City of Dunwoody

Re: Candace Johnson

My name is Anne Armstrong. My address is  
4802 Glenbonnie Court and I share a  
backyard lot line with Candace.

I support Candace in her efforts to  
provide day care to infants in her  
home.

Sincerely,

Anne Armstrong  
4802 Glenbonnie Ct.  
Dunwoody, Ga. 30360  
770 458-1833



To the City of Dunwoody,

2-10-2014

Candace Johnston worked at Dunwoody Baptist Preschool from 2001 through 2013 and was an excellent and highly valued employee during those twelve years. She also served very successfully as the Director of our summer camps for many years. We would gladly rehire her at any time.

Candace would be a true asset to the Dunwoody Community as an in-home child care provider. She understands the developmental stages of children and has received many hours of educational training here at Dunwoody Baptist Preschool. Candace is a true professional and independent worker, and can be trusted to handle any situation that should arise.

Candace was also a nanny and babysitter for many of our families, with glowing reviews by all.

As a member of the Dunwoody Community, and the Director of Dunwoody Baptist Preschool, I wholeheartedly endorse Candace Johnston.

Susan Wurst  
Director  
Dunwoody Baptist Preschool  
770-280-1230