

February 5, 2024

**Smarties Academy
465 Clairemont Avenue
Conditional Use Permit & Zoning Amendment Application**

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CONDITIONAL USE PERMIT APPLICATION

Planning & Zoning
 2635 Talley Street
 Decatur, GA 30030
 Phone 404-377-6198
 Fax 404-378-5054



Before submitting this application, you must schedule a pre-application conference with the Zoning Administrator to discuss the procedures, standards and regulations required for approval. Attach a plat of the property drawn to scale and showing property lines, locations and heights of existing and proposed buildings and other structures, locations of all driveways and parking/loading areas, a north arrow, and any other information required to demonstrate conformance with the standards for the specific conditional use requested. Please provide one to-scale copy of all plans, as well as one copy of all plans in an 8½" x 11" format. If the applicant is not the current property owner, provide a notarized authorization for this application from the current property owner.

Address of property 465 Clairmont Avenue Decatur, GA 30030

Name of applicant Smarties Academy / Bogumila Kabat Phone 770-633-0770

Address 465 Clairemont Avenue City/state/ZIP Decatur, GA 30030

Email bogna@smartiesacademy.com

Name of property owner MerVic Group / Bogumila Kabat Phone 770-633-0770

Address 465 Clairemont Avenue City/state/ZIP Decatur, GA 30030

Major amendment to existing conditional use permit New conditional use permit request

Existing zoning Institutional (148 student max) Use requested increase enrollment to 178 students

Please answer all of the following questions on a separate sheet.

1. How would the proposed use be suitable in view of the use and development of adjacent and nearby property?
2. How is the proposed use consistent with existing zoning requirements?
3. What adverse affects does the proposed use have on the existing use or usability of adjacent or nearby property?
4. To what extent will or could the proposed use cause an excessive or burdensome use of existing streets, transportation facilities, utilities or other public facilities?
5. Describe how the proposed ingress and egress to the subject property is adequate. Include an evaluation of the traffic impact of the proposed use relative to street capacity and safety of public streets and nearby pedestrian uses.
6. What impact will the proposed use have on established property values and on the public health, safety, morality, comfort and general welfare of the residents of the City?

I hereby certify that the above and attached statements and documents are true to the best of my knowledge and belief.

Applicant signature _____ Date _____

For personal care home, assisted living facility and nursing home applications, I certify that I have applied for or will immediately apply for the corresponding permit or authorization for the operation of the facility from the State of Georgia Department of Community Health in accordance with its rules and regulations. I also certify that the proposed facility will meet and be operated in conformance with all applicable state and federal laws and regulations and with all codes and regulations of the City.

Applicant signature  Date 11/27/2023

ZONING MAP AMENDMENT APPLICATION

Planning & Zoning
2635 Talley Street
Decatur, GA 30030
Phone 404-377-6198
Fax 404-378-5054



If there is more than one owner besides the applicant, please list on a separate page. If the applicant is not the current property owner, please provide a notarized authorization for this application from the current property owner. Refer to the submittal checklist for submittal requirements.

Address(es) of property 465 Clairemont Avenue Decatur, GA 30030

Existing zoning Institutional (148 student max) Proposed zoning Institutional (178 student max)

Existing use of property Childcare Proposed use of property Childcare

Name of applicant Bogumila Kabat Phone 770-633-0770

Address 465 Clairemont Avenue City/state/ZIP Decatur, GA 30030

Email bogna@smartiesacademy.com

Name of property owner MerVic Group / Bogumila Kabat Phone 770-633-0770

Address 465 Clairemont Avenue City/state/ZIP Decatur, GA 30030

Within the two years immediately preceding the filing of this application, have you, the applicant, made campaign contributions aggregating \$250 or more, or made gifts having an aggregate value of \$250 or more to a local government official of the City of Decatur who will consider this application? Yes No

If you answered yes to the above question, you must file a disclosure report with the Planning & Zoning Department showing the following. The report must be filed within ten days of filing the application.

1. The name of the local government official to whom the campaign contribution or gift was made.
2. The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application and the date of each contribution.
3. An enumeration and description of each gift having a value of \$250 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application.

Please answer all of the following questions on a separate sheet.

1. How would the uses permitted under the proposed land use category be suitable in view of the use and development of adjacent and nearby property?
2. What adverse affects does the proposed amendment have on the existing use or usability of adjacent or nearby property?
3. To what extent will the proposed amendment result in uses which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?
4. Are there other existing or changing conditions affecting the use and development of the property which, because of their impact on the public health, safety, morality and general welfare of the community, give supporting grounds for either approval or disapproval of the proposed amendment?

I hereby certify that the above and attached statements and documents are true to the best of my knowledge and belief.

Applicant signature

Date

11/27/2023

Submittal checklist

Site plan. Please attach a plan of the proposed development with the following information. Provide to-scale size copy as well as one copy in an 8.5 x 11" format. Also, please provide an electronic file of the entire application.

1. All property lines with dimensions.
2. Location of buildings or other structures, drainage courses, and easements.
3. Proposed street right-of-way lines.
4. Comprehensive site development plan if application is for commercial, industrial, high density single-family residential, multiple-family residential or institutional use.
5. North arrow, scale, land lot, block and lot numbers.

Survey. Please attach a survey of the property. Provide one to-scale copy as well as one copy in an 8.5 x 11" format.

Floor plans and building elevations. Provide proposed floor plans and elevations of proposed building improvements.

Project summary. Please provide a summary description of the proposed project, including number, height, floor area and proposed use of each building.

Planned Unit Development (PUD). Please refer to Section 5.4.5. of the Unified Development Ordinance for additional submittal requirements.



Planning, Zoning, and Inspections

509 N. McDonough St.
Decatur, Georgia 30030
404-370-4104 ■ Fax 404-370-0691
info@decaturga.com ■ www.decaturga.com

October 29, 2021

Lutheran Church of the Messiah
C/o Bogna Kabat
465 Clairemont Ave
Decatur, GA 30030

**Re: Lot Combination
465 Clairemont Ave and 119 Erie Ave,
City of Decatur, DeKalb Co., Georgia**

VIA: Electronic mail – bogna@smartiesacademy.com

Dear Ms. Kabat:

The purpose of this letter is to confirm that the City of Decatur approves the combination of parcel #18 006 03 106 and parcel #18 006 03 105 into one parcel to retain the address of 465 Clairemont Avenue.

The city's ordinances allow for administrative approval for lot combinations as long as the lots are contiguous, are within the same jurisdiction, and ownership of record is the same for all properties to be combined. The parcel would remain within the R-60 –Single Family Residential zoning district.

This letter does not waive or relinquish any requirements for any easements that may be part of either parcel. A building permit may be issued for this property in accordance with the city's current zoning and building standards. Please contact me at 678-553-6607 or ryan.sellers@decaturga.com if you have any questions.

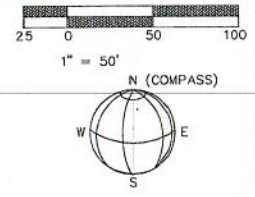
Sincerely,

Ryan Sellers
Senior Planner
Acting Zoning Administrator

cc: Jennings Bell
DeKalb County GIS Dept.
Address File

GENERAL NOTES:
 1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.
 2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
 3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.
 4: No Geodetic monuments were found within 500 feet of this site
 5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein.
 RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



REFERENCE: DB 5578 PG 605
 DB 4215 PG 41
 SURVEY FOR RICHARD HERZOG BY
 JOSEPH C. KING DATED 5-27-2004
 SURVEY DATA:

TYPE OF SURVEY: RETRACEMENT
 SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY:
 DB 5578 PG 605 (465 CLAIREMONT AVENUE)
 DB 4215 PG 41 (119 ERIE AVENUE)
 PROPERTY OWNER AT TIME OF SURVEY:
 LUTHERAN CHURCH OF THE MESSIAH
 PARCEL NUMBER: 18-006-03-105 (465 CLAIREMONT AVENUE)
 18-006-03-106 (119 ERIE AVENUE)

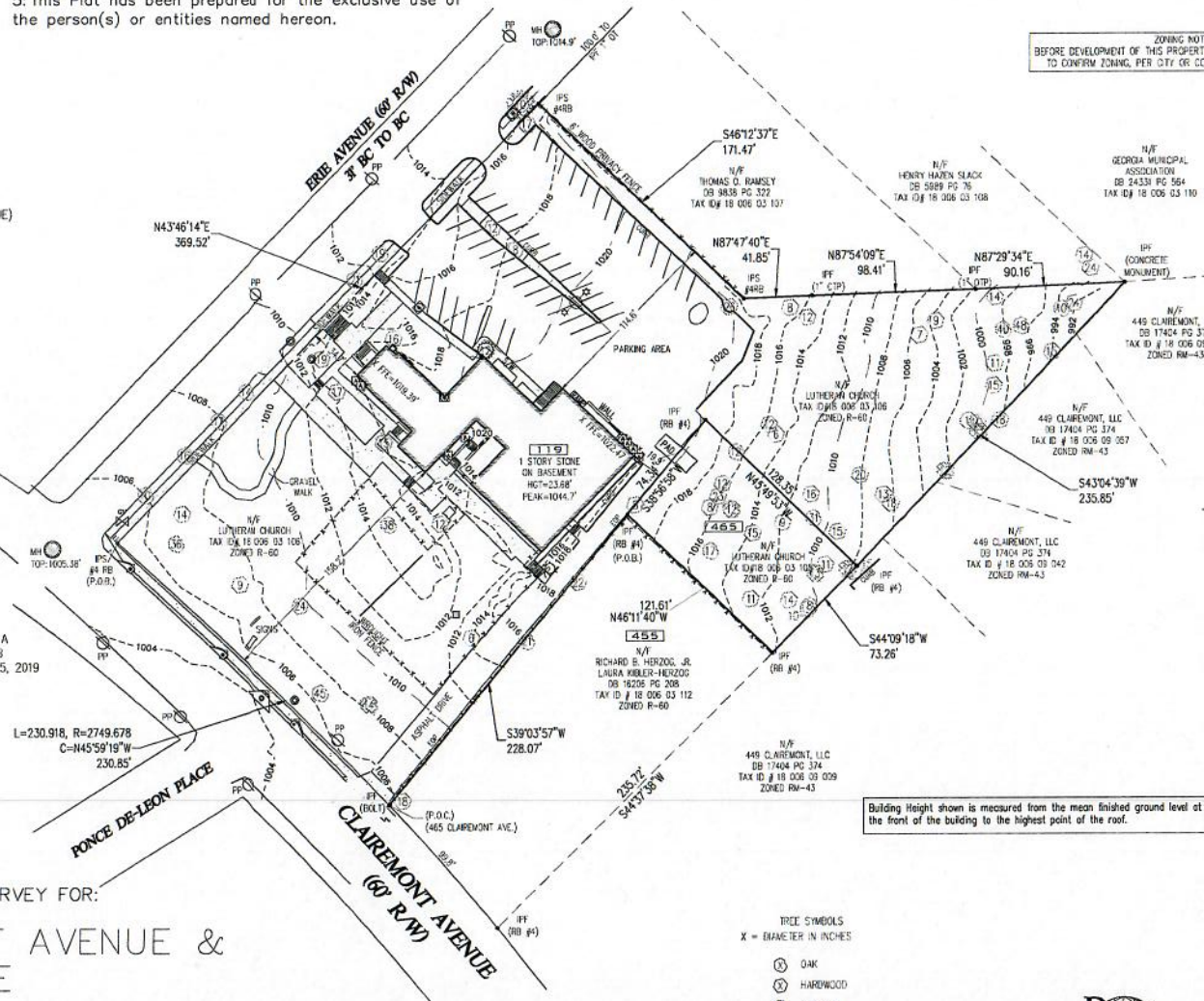
BEARING BASIS IS SINGLE COMPASS READING & ANGLES TURNED; VERTICAL DATUM ASSUMED FROM DEKALB COUNTY GIS

465 CLAIREMONT AVENUE
 TOTAL AREA: 9,206 SQ FT, 0.21 AC
 CALCULATED PLAT CLOSURE: 1:140,964
 119 ERIE AVENUE
 TOTAL AREA: 101,854 SQ FT, 2.34 AC
 CALCULATED PLAT CLOSURE: 1:101,854
 FIELD DATA:

DATE OF FIELD SURVEY 11-28-2017, 3-20-2018, 4-4-2018, 4-13-2018, 8-11-21, 1-26-2022
 THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.002 FEET.

EQUIPMENT:
 ELECTRONIC TOTAL STATION
 FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF DEKALB COUNTY, GEORGIA 13089C0066K EFFECTIVE DATE AUGUST 15, 2019

119 ERIE AVENUE & 465 CLAIREMONT AVENUE	
ZONING:	R-60
MAIN BUILDING =	8,705 S.F.
ASPHALT PARKING LOT/DRIVE =	26,827 S.F.
CONC. WALKS / STEPS / WALLS =	8,425 S.F.
GRAVEL WALK =	638 S.F.
IMPERVIOUS TOTAL =	44,597 S.F.
LOT AREA =	111,060 S.F.
LOT COVERAGE (%) =	40.2



ZONING NOTE:
 BEFORE DEVELOPMENT OF THIS PROPERTY, DEVELOPER AND ARCHITECT TO CONFIRM ZONING, PER CITY OR COUNTY ZONING DEPARTMENT.

- LEGEND**
- EP EDGE OF PAVEMENT (DURE)
 - PP POWER POLE
 - R/W RIGHT OF WAY
 - IF IRON PIN FOUND
 - PS 1/2" BEAR SET
 - SW SIDE WALK
 - HOLLAND
 - OH OVERHEAD POWER
 - FH FIRE HYDRANT
 - CB CATCH BASIN
 - WH MANHOLE
 - WM WATER METER
 - WV WATER VALVE
 - GV GAS VALVE
 - GM GAS METER
 - CL CLEANOUT
 - EM ELECTRIC METER
 - LP LIGHT POLE
 - CONCRETE PAD



Building Height shown is measured from the mean finished ground level at the front of the building to the highest point of the roof.

- TREE SYMBOLS**
 X = DIAMETER IN INCHES
- OAK
 - HARDWOOD
 - MAGNOLIA
 - DOGWOOD
 - CREPE MYRTLE

BOUNDARY & TOPOGRAPHIC SURVEY FOR:
 BOGNA KABAT
**465 CLAIREMONT AVENUE &
 119 ERIE AVENUE**

CITY OF DECATUR, DEKALB COUNTY, GEORGIA
 LAND LOT 6, DIST 18
 DATE: MARCH 21, 2018; AUGUST 19, 2021 (ADDED 119 ERIE AVENUE);
 SEPTEMBER 3, 2021 (IPS); JANUARY 28, 2022 (ADD TREE/TOPO)

THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE PLACED USING SIDE DIMENSIONS FROM HOUSE. ALL MATTERS OF TITLE ARE EXEMPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT-OF-WAY PUBLIC OR PRIVATE.



FOR
 DEKALB SURVEYS, INC.
 403 N. PONCE DE LEON
 SUITE 106
 DECATUR, GEORGIA 30030
 404.373.9003
 COPY RIGHT 2018-2022 17 X 22
 DRAWING AND REPRODUCTIONS ARE THE
 PROPERTY OF THE SURVEYOR AND MAY
 NOT BE REPRODUCED, PUBLISHED OR
 USED IN ANY WAY WITHOUT THE
 WRITTEN PERMISSION OF THIS SURVEYOR
 DRAWN IN THE U.S.A.

Zoning Map Amendment Application
Smarties Academy
465 Clairemont Avenue, Decatur GA (the "Property")

PROJECT SUMMARY

Smarties Academy ("Smarties") seeks a Zoning Map Amendment and Conditional Use Permit amendment to allow for the addition of 30 students to its maximum permitted enrollment. Smarties currently holds a Conditional Use Permit to allow for a childcare facility on the Property, which is capped at 148 students. Smarties Academy currently has a wait list of over 500 families and existing capacity for classrooms in its current building and facilities. Accordingly, Smarties desires to increase the student enrollment from 148 students to 178 students to allow for greater flexibility in operations – particularly for summer programs.

The previously approved cap of 148 students was decided during the 2022 zoning process and was agreed-to by Smarties without considering the long-term implications of the zoning condition. By requesting the existing cap be amended to allow for the addition of 30 more students, Smarties hopes the City of Decatur will understand the difficulty in anticipating the operations needs for a small business owner, particularly in the education and childcare industries. Smarties desires to be a good neighbor and is working to serve its current and future families with the utmost respect for the Decatur community.

This modest increase in student enrollment will allow Smarties to offer more flexible programming year-round and will have little to no impact on surrounding properties. Importantly, no building additions are proposed in connection with this requested student enrollment increase.

Zoning Map Amendment Application
Smarties Academy
465 Clairemont Avenue, Decatur GA (the "Property")

ZONING MAP AMENDMENT JUSTIFICATION

1. How would the uses permitted under the proposed land use category be suitable in view of the use and development of adjacent and nearby property?

The subject property will continue to be used as a childcare facility. The existing use, and proposed enrollment increase, is suitable given the Property's location along a commercially developed portion of Clairemont Avenue and its proximity to nearby neighborhoods. The Property is located on the periphery of both Decatur's commercial downtown and nearby residential areas, an ideal location for educational facilities. The property is a few parcels southwest of Clairemont Elementary and is in walking distance to the Great Lakes neighborhood.

2. What adverse affects does the proposed amendment have on the existing use or useability of adjacent or nearby property?

The existing use and increased enrollment will have no adverse impact on the useability of adjacent or nearby property. Smarties does not propose a building expansion and the proposed increase in student enrollment will not have a material impact on operations or nearby properties. To the contrary, Smarties believes the additional enrollment capacity will allow Smarties to serve more families in need of quality childcare services.

3. To what extent will the proposed amendment result in uses will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

The proposed increase in student enrollment will not result in the excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Given the Property's location along Clairemont Avenue, a busy corridor, and its location on the edge of the Great Lakes neighborhood, the addition of 30 students will not materially impact traffic patterns in this area. The Property provides adequate parking and parents park and escort their children into the school; thus, traffic does queue or back up into the public right-of-way.

4. Are there other existing or changing conditions affecting the use and development of the property which, because of their impact on the public health, safety, morality and general welfare of the community, give supporting grounds for either approval or disapproval of the proposed amendment?

Smarties Academy currently has a wait list of over 500 families. When the Property was rezoned in 2022 from R-60 to Institutional, the student enrollment was capped at 148 students. Given market changes and ever-increasing demand for quality childcare services, Smarties desires to increase its enrollment to 178 students. This modest increase will allow Smarties to offer more flexible programming year-round and will have little to no impact on surrounding properties.

Conditional Use Permit Application
Smarties Academy
465 Clairemont Avenue, Decatur GA (the "Property")

CONDITIONAL USE PERMIT JUSTIFICATION

1. How would the proposed use be suitable in view of the use and development of adjacent and nearby property?

The subject property will continue to be used as a childcare facility. The existing use, and proposed enrollment increase, is suitable given the Property's location along a commercially developed portion of Clairemont Avenue and its proximity to nearby neighborhoods. The Property is located on the periphery of both Decatur's commercial downtown and nearby residential areas, an ideal location for an early education facility. The property is a few parcels southwest of Clairemont Elementary and is in walking distance to the Great Lakes neighborhood.

2. How is the proposed use consistent with existing zoning requirements?

The proposed use is consistent with the previously approved Conditional Use Permit, which allows for the childcare use on the Property. The Property will continue to be used for childcare and Smarties requests an increase in total student enrollment from 148 students to 178 students. This modest increase will have little to no impact on overall site operations and no building expansion is proposed.

3. What adverse effects does the proposed use have on the existing use or usability of adjacent or nearby property?

The existing use and increased enrollment will have no adverse impact on the usability of adjacent or nearby property. Smarties does not propose a building expansion and the proposed increase in student enrollment will not have a material impact on operations or nearby properties. To the contrary, Smarties believes the additional enrollment capacity will allow Smarties to serve more families in need of quality childcare services.

4. To what extent will or could the proposed use cause an excessive or burdensome use of existing streets, transportation facilities, utilities or other public facilities?

The proposed increase in student enrollment will not result in the excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Given the Property's location along Clairemont Avenue, a busy corridor, and its location on the edge of the Great Lakes neighborhood, the addition of 30 students will not materially impact traffic patterns in this area. The Property provides adequate parking and parents park and escort their children into the school; thus, traffic does not queue or back up into the public right-of-way.

5. Describe how the proposed ingress and egress to the subject property is adequate. Include an evaluation of the traffic impact of the proposed use relative to street capacity and safety of public streets and nearby pedestrian uses.

The existing ingress and egress on the Property will not change as a result of the proposed enrollment increase. The Property currently provides for ingress and egress off of Erie Avenue, as well as egress onto Clairemont Avenue from the southeastern side of the Property. Additionally, the Property has adequate parking and maneuvering area on the site to allow for drop-off and pick-ups to be handled efficiently on the Property. Additionally, the Property is walking distance to Clairemont Elementary and the nearby Great Lakes Neighborhood, and Smarties encourages and welcomes “walkers” to the school. The proposed increase of 30 students will not have a material impact on traffic or safety on public streets.

6. What impact will the proposed use have on established property values and on the public health, safety, morality, comfort and general welfare of the residents of the City?

The requested increased enrollment will have no negative impact on property values or on public health, safety, comfort and general welfare. Smarties does not propose a building expansion and the proposed increase in student enrollment will not have a material impact on operations or nearby properties. To the contrary, Smarties believes the additional enrollment capacity will allow Smarties to serve more families in need of quality childcare services. The availability of first-class childcare within walking distance to residential properties is an amenity many families and property owners in the City of Decatur desire.