



DeKalb County Department of Planning & Sustainability

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 Decatur, GA 30030
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Planning Commission Hearing Date: September 7, 2017, 6:30 P.M.
Board of Commissioners Hearing Date: September 26, 2017, 6:30 P.M.

STAFF ANALYSIS

Case No.: SLUP-17-21706 **Agenda #:** N. 3

Location/Address: The west side of Telstar Drive, approximately 232 feet south of Nova Lane, at 3651 Telstar Lane, Ellenwood. **Commission District:** 3 **Super District:** 6

Parcel ID(s): 15-053-01-044

Request: A Special Land Use Permit (SLUP) to increase the number of persons in an existing personal care home from three to six residents in an R-100 (Residential Medium Lot-100) District, in accordance with the Chapter 27-Article 4.1 Use Table of the DeKalb County Code.

Property Owner(s): Carla McKenzie and Shawnee Vickers

Applicant/Agent: Carla McKenzie

Acreage: .26

Existing Land Use: A personal care home for three persons

Surrounding Properties: To the northwest, west, and southwest: vacant, wooded land; to the north, northeast, east, southeast, and south: single-family residential.

Adjacent Zoning: **North:** R-100 **South:** R-100 **East:** R-100 **West:** R-100 **Northeast:** R-100 **Northwest:** R-100 **Southeast:** R-100 **Southwest:** R-100

Comprehensive Plan: SUB (Suburban) **Consistent** **Inconsistent**

Proposed Density: 3.84 units/acre	Existing Density: 3.84 units/acre
Proposed Units: One	Existing Units: One
Proposed Lot Coverage: No increase proposed	Existing Lot Coverage: estimated to be below 35%

Zoning History: Based on DeKalb County records, it appears that the single-family residential zoning of the property has not changed since adoption of the first zoning ordinance and map in 1956.

PROJECT ANALYSIS

The subject property is a .26-acre site with street frontage on Telstar Lane, a local residential street. It is developed with a one-story, 1,575 square foot house with six bedrooms and three bathrooms. It is currently operated by the applicants, Carla McKenzie and Shahmee Vickers, as a personal care home for three adults. The house has four single bedrooms, one double bedroom, and an office that can be converted to a bedroom. If the office were to be converted, there would be enough beds for six client residents and one staff person.

Parking is provided by a 65-foot driveway, which can accommodate three vehicles. The application states that there are no visiting relatives and that transportation is provided by the staff.

Telstar Drive, as well as the surrounding neighborhood, is single-family residential.

The Special Land Use Permit under consideration would allow the existing three-person personal care home to expand to a group personal care home of six persons. The Georgia Office of Regulatory Services Facilities Location and Information Guide indicates that another group personal care home called Lowes Guardian Angel Personal Care Home is located at 2066 Powhatan Road, which is within 1,000 feet of the subject property. Staff has advised Ms. McKenzie that in order to increase the size of her home to the group category, a variance to waive the 1,000 separation requirement is necessary. It should be noted that the intent of the separation requirement appears to be satisfied because Powhatan Road is a dead-end street from which there is no vehicular access to Telstar Drive, and because 2066 Powhatan is buffered from the rear of the subject property by a 3.15-acre property (2086 Powhatan Road), which is undeveloped and wooded. Even if 2086 Powhatan were to be developed in the future for single-family residences, in accordance with its zoning classification of R-100, the new homes are likely to be oriented to a cul-de-sac street at the center of the property. Thus, the house closest to the subject property would be oriented away from the subject property, and there would still be no vehicular access to Telstar Lane. There is a low probability that any properties on Powhatan Road would be perceived to be part of the same neighborhood as the one in which the subject property is located.

LAND USE AND ZONING ANALYSIS

Section 27-873 of the DeKalb County Zoning Ordinance, "Special land use permit; criteria to be applied" states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit. No application for a Special Land Use Permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application.

A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located:

The property has adequate area to provide privacy and open space for a group personal care home with up to six client residents. It does not meet the requirement for the north side yard setback by 1.3 feet, but the lack of some yard depth on the north side does not cause the overall size of the site to be inadequate for a group personal care home. An increase in the number of adults in the home is not expected to necessitate a larger side yard setback. The width of the lot is the same as that of the adjoining lots on each side, and the proximity of the home to the residence on the adjoining property to the north is largely caused by the neighboring house, which is located approximately five feet from the shared property line. The lot is smaller than the size required by the R-100 district standards, but because the personal care home will be occupied by adults, there is no need for outdoor play space. The standard for off-street parking is met.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:** The group personal care home will function as a residence, and as such, will be compatible with the other residences on Telstar Lane and in the surrounding area.
- C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:** An increase in the number of resident clients to up to six persons is not expected to increase demands on services and utilities to a level that would render them inadequate.
- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the proposed use, so as not to unduly increase traffic or create congestion in the area:** Increase in the number of persons in the home is not expected to increase traffic to levels that would increase traffic or create congestion in the area.
- E. Whether or not existing land uses located along access routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use:** Trips to and from the subject property are not expected to noticeably increase, and access routes to the site appear to be adequate to accommodate the low level of traffic that is generated by the personal care home.
- F. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency:** Taking into account the good condition of the driveway, the handicap ramp that connects the front door with the driveway, and the rear exits to the patio and decks at the rear of the house, the property appears to provide satisfactory ingress and egress and access for emergency vehicles.
- G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:** Addition of up to three resident clients in the home is not expected to create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration.
- H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:** The hours of operation will continue to be the same as those of a typical residence, and are not expected to adversely impact adjoining properties.
- I. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use:** Expansion of the personal care home by one person is not expected to change the manner of operation such that it would create adverse impacts upon any adjoining land use.
- J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:** The house, built in 1965, is smaller by 425 feet than the minimum required square footage for a house in an R-100 district. However, there is sufficient space in the house to provide beds for six client residents and one staff person.
- K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:** The proposal is consistent with the following policy of the 2035 Comprehensive Plan: "Increase the availability of special needs housing to meet the growing population." (Housing Policy No. 7)
- L. Whether or not the proposed plan provides for all buffers and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located:** Because no buffers or transitional buffers are required, this consideration is not applicable.
- M. Whether or not there is adequate provision of refuse and service areas:** There is adequate provision of refuse and service areas, and expansion of the home by two persons will not necessitate any changes.
- N. Whether the length of time for which the special land use permit is granted should be limited in duration:** There appears to be no reason to limit the duration of the requested special land use permit.

- O. Whether or not 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:**
Because no changes are proposed to the size, scale, or massing of the home, this consideration is not applicable.
- P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:**
No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.
- Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit:** The home currently satisfies the supplemental regulations, and addition of one person will not have any effect on the ability of the home to continue satisfying the supplemental regulations.
- R. Whether or not the proposed building as a result of its proposed height, would create a negative shadow impact on any adjoining lot or building:** Because no changes are proposed to the height of the home, this consideration is not applicable.
- S. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan:** An increase in the number of persons in the personal care home would be consistent with the needs of the neighborhood and of the community as a whole, would be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan.

Compliance with District Standards:

R-100 STANDARD		REQUIRED/ALLOWED	EXISTING	COMPLIANCE
LOT WIDTH		Min. 100 ft	74.44 ft	The lot is legally non-conforming with respect to width.
LOT AREA/DENSITY		Min. 14,000 sq. ft.	11,187 sq. ft.	The lot is legally non-conforming with respect to area.
YARD SETBACKS	FRONT	Min. 35 feet or average front yard setback	50 feet	Exceeds minimum district setback; no information provided re: average setback.
	INTERIOR SIDE	Min. 10 feet	North side: 8.7 feet South side: 12.8 feet	The north side yard setback is legally non-conforming; the south side yard setback exceeds the minimum district requirement.
	REAR	Min. 40 feet	71 feet	Yes
FLOOR AREA OF D.U.		Min. 2,000 s.f.	1,575 s.f.	The house size is legally nonconforming.
LOT COVERAGE		Max. 35%	Estimated to be below 35%	Estimated to be below 35%
PARKING		Min.: 2 spaces Max.: 4 spaces	3 spaces	Yes

STAFF RECOMMENDATION:

The proposal is consistent with the following policy of the 2035 Comprehensive Plan: “Increase the availability of special needs housing to meet the growing population.” (Housing Policy No. 7) The property has adequate area to provide privacy and open space for a group personal care home, and there is sufficient space in the house to provide beds for six client residents and one staff person. An increase in the number of persons in the home is not expected to increase traffic to levels that would increase traffic or create congestion in the area. The group personal care home will function as a residence, and as such, will be compatible with the other residences on Telstar Lane and in the surrounding area. Therefore, the Department of Planning and Sustainability recommends “Approval” with the following conditions:

1. The Special Land Use Permit shall be issued to Carla McKenzie and Shahnee Vickers for operation of a group personal care home of up to six client residents, and shall not be transferrable.
2. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Application
4. Site Plan
5. Zoning Map
6. Aerial Photograph
7. Site Photographs

NEXT STEPS

Following an approval of this zoning action, one or several of the following may be required:

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
-  • **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
-  • **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control is required as a condition of land development permit approval.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

NB: The County G.I.S mapping records show the site's parcel number as **15-095-01-044** NOT 15-053-01-044



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV**

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-17-21706 Parcel I.D. #: 15-053-01-.044

Address: 3651
TELSTAR DR

Adjacent Roadway (s):

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

PLANS AND FIELD REVIEWED. NO PROBLEM THAT WOULD INTERFERE WITH TRAFFIC FLOW.

Signature: Jerry White



DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer

Andrew A. Baker, AICP
Director



SPECIAL LAND USE PERMIT APPLICATION

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

JUL 06 2017

Date Received: _____

Application No.: SLUP-17-21760

APPLICANT NAME: Carla McKenzie & Shanee Vickers

Daytime Phone #: 404-396-1636/310-388-7057 Fax #: _____

Mailing Address: 3651 Telstar Drive, Ellenwood GA 30294

E-mail: ckmartinez40@gmail.com

OWNER NAME: Carla McKenzie and Shanee Vickers

(If more than one owner, attach contact information for each owner)

Daytime Phone #: 404-396-1636 Fax #: _____

Mailing Address: 3651 Telstar Drive, Ellenwood GA 30294

E-mail: ckmartinez@gmail.com

SUBJECT PROPERTY ADDRESS OR LOCATION: 3651 Telstar Drive

Ellenwood, DeKalb County, GA, 30294

District(s): 15 Land Lot(s): 053 Block(s): 01 Parcel(s): 020

Acreage or Square Feet: _____ Commission District(s): 386 Existing Zoning: R-100

Proposed Special Land Use (SLUP): increase size of pch from 3-6 people

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

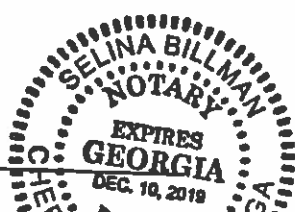
Owner: Agent: _____
(Check One)

Signature of Applicant: Carla McKenzie

Printed Name of Applicant: Carla McKenzie

Notary Signature and Seal:

Selina Billman



330 West Peachtree Street, Suite 300-500 - Decatur, Georgia - 30030
[voice] 404.371.2155 [planning fax] (404) 371-4556 [development fax] (404) 371-3007
Web Address: <http://www.dekalbcountyga.gov/planning>
Email Address: planning@dekalbcountyga.gov

6/6/17

Wellness Community Living
3651 Telstar Drive
Ellenwood GA 30294

Letter of Application:

The existing property at the above location is currently being used as a PCH currently licensed for 3. We (administrators/owners) would like to increase occupancy in order to expand and provide a loving and caring environment for those in need of home health care assistance.

The property has adequate size, open space, yard space, and adequate street parking for the use we are requesting.

Yes, there is compatibility of the proposed use, land use and other properties

Yes, public service and areas in the area for the use of the property

Yes, there are local streets available to cross streets and main roads with access to bus line and freeway.

The volume of traffic in no ways effect the facility

All roads, crosswalks (pedestrian) and traffic are of safety for those in the property (facility). No danger and have access to safety in case of a natural or manmade disaster

The request for expansion will not create any adverse impacts on and adjoining land on either side, or in the area of the above address of its operation.

The proposed request will not in any way generate or cause odor, smoke, dust or vibration during the use of its operation

The plan is consistent and does meet with all zonings requirements and consistent with policies of the comprehension plans

Yes, the plan provides all buffer and transitional zones by the regulations of the district

Yes, adequate provision of refuse and service areas

The length of time for the special land use permit is expected to be ongoing

Yes, the size, scale are appropriate in relation to its size

The plan to increase will not affect any sites, districts historic buildings or archaeological resources (none in the area)

Yes, the use of the property (use) satisfies the use it is currently and will be once the expansion has been made (increase of occupancy). The height does not affect the use of its purpose

The use is a benefit to the community as a whole and will not conflict with the overall objectives

Thank you,



Carla McKenzie

Wellness Community Living LLC

3651 Telstar Drive

Ellenwood, Ga 30294

1. What are the ages of existing and proposed residents (for example, are they senior citizens)? Male and/or female? Do they drive their own cars?

Miss Funk(female) 67 /Mr. Slaton(male) 85 /Mr. Talton (male) 74

Neither residents owns or operates vehicles

2. Do you have visiting specialists, or consultants? If so, how often and how many at a time? How often and how many relatives visit? (This is a parking consideration.)

Miss Funk nurse visits 2 times per month

Mr. Talton Therapists visits once per week/nurse once per week/pastor every other week

Mr. Slaton gets picked up on Sundays Mornings for church

No visiting relatives

3. Do you have outings and/or shopping trips for the residents? If so, how do you provide transportation?

Outings are planned and executed by both Administrators Carla McKenzie and Shahnee Vickers at which time we transport residents. We have a breakfast, dinner and shopping outings.

We have a transportation service that takes the residents to their doctors' appointments

4. How is refuse handled (DeKalb County pick-up?)

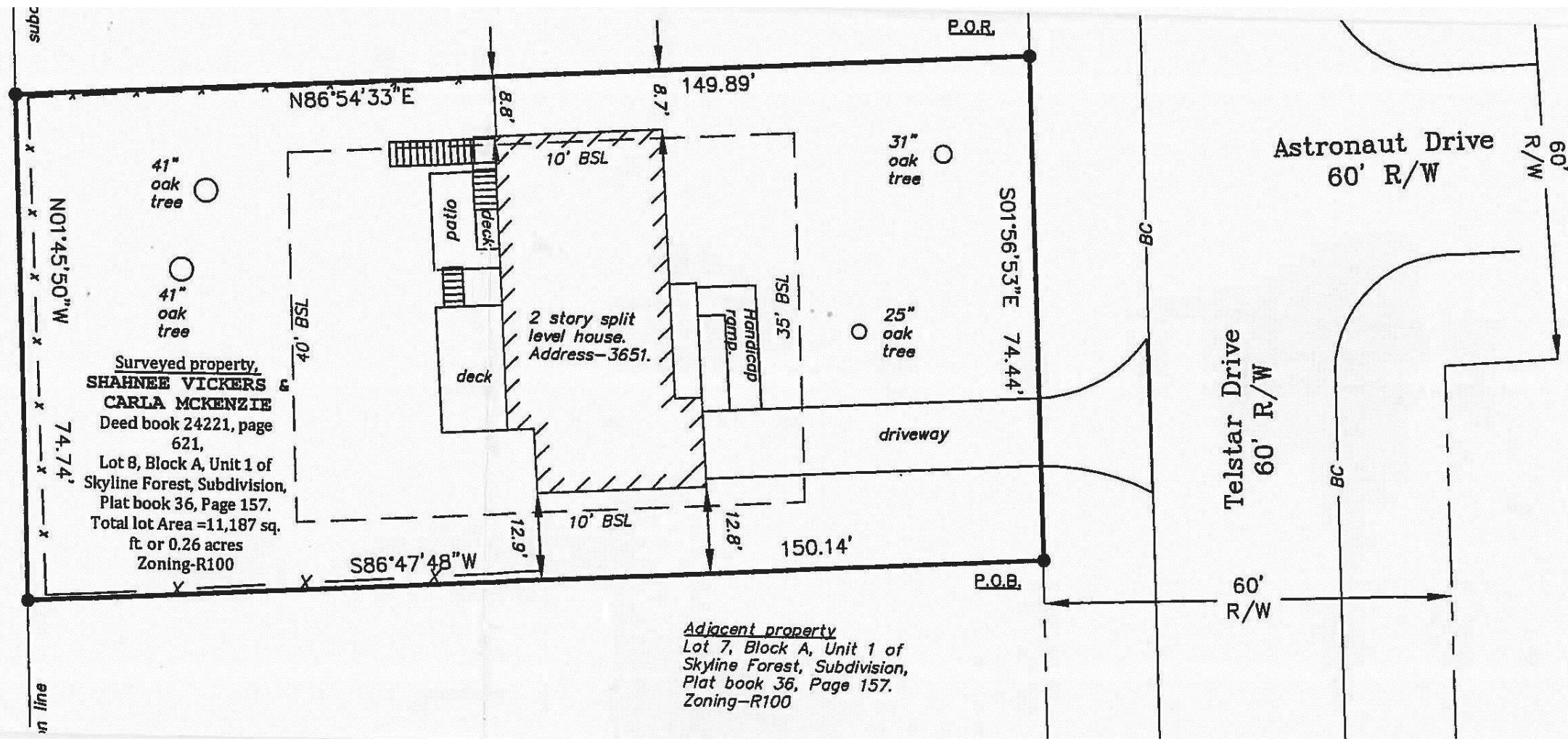
Refuse is handled by Dekalb County

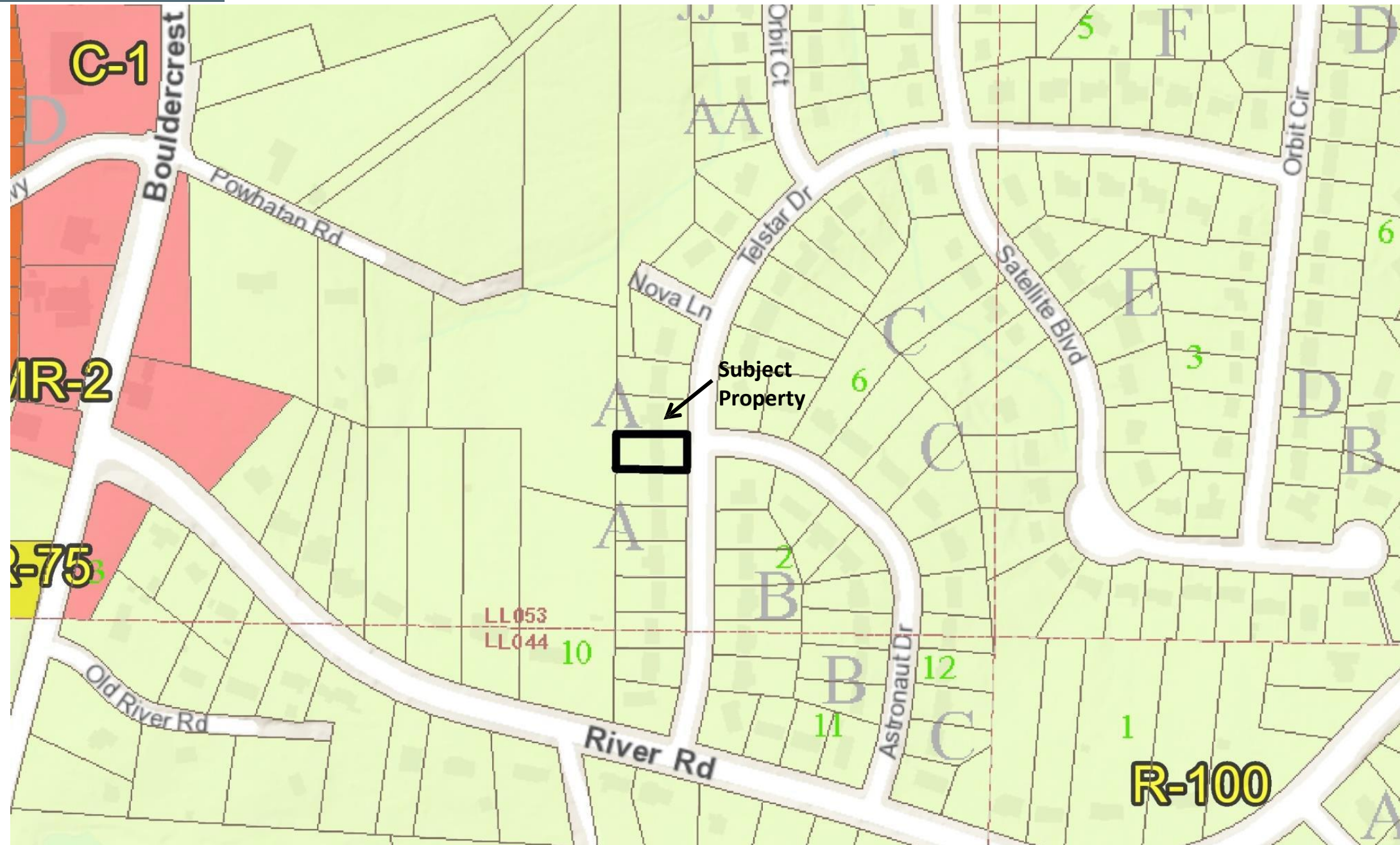
5. How many bedrooms and bathrooms are in the house?

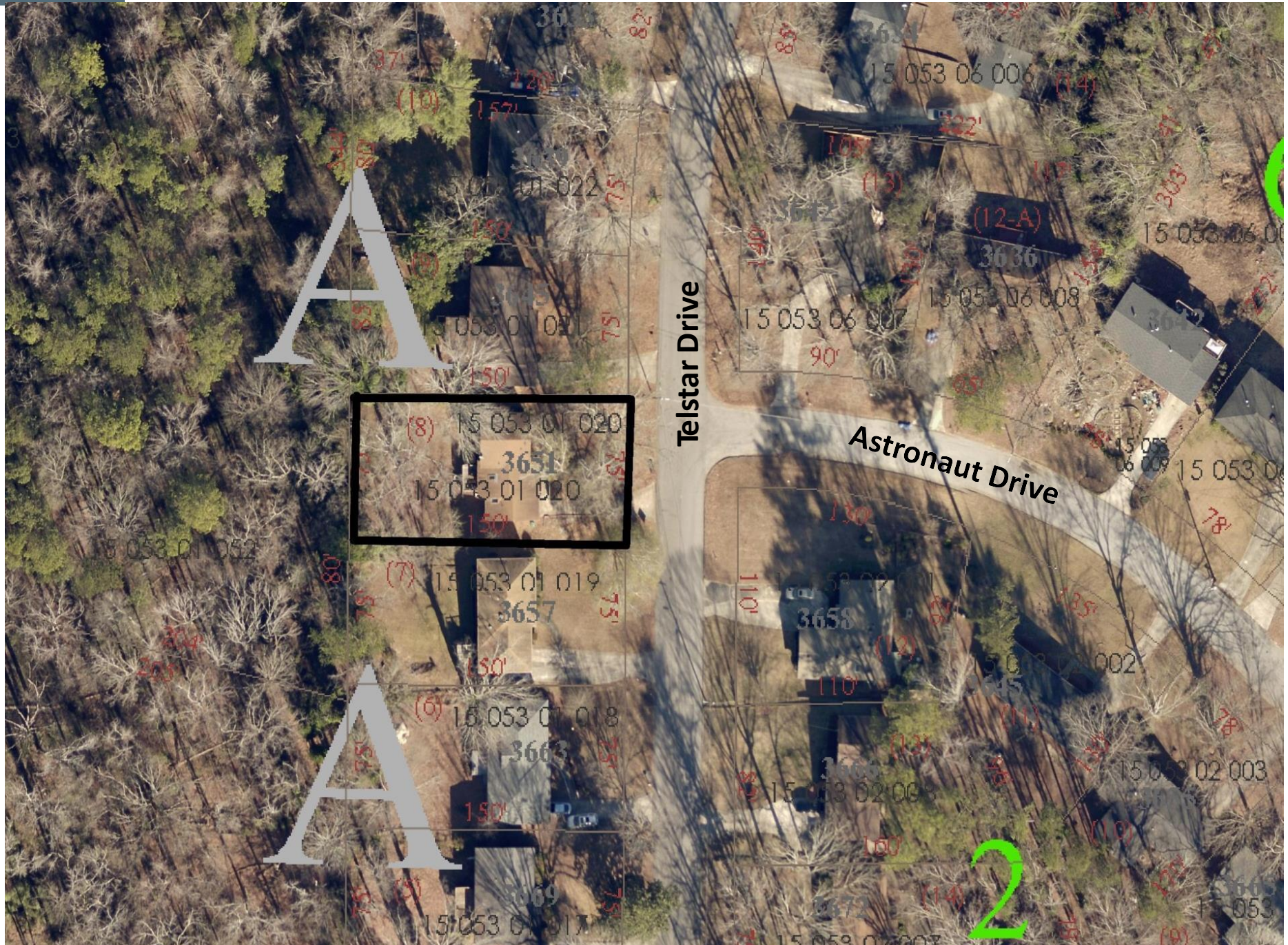
There is a total of 6 bedrooms and 3 bathrooms

4 singles
1 double

6 beds NMF









Subject Property

Rear yard of subject property.

