



Legislation Details (With Text)

File #: 2023-0873 **Version:** 1 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 7/11/2023 **In control:** Board of Commissioners - Zoning Meeting
On agenda: 9/28/2023 **Final action:** 9/28/2023
Title: COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Tawanda Vauss for a Special Land Use Permit (SLUP) to allow a Personal Care Home for seven (7) individuals within the RSM (Small Lot Residential Mix) zoning district. The property is located at 7566 Union Grove Road in Lithonia, Georgia.

Indexes:

Attachments: 1. SLUP-23-1246543 Sept 2023 Staff Report 7566 Union Grove Rd

Date	Ver.	Action By	Action	Result
9/28/2023	1	Board of Commissioners - Zoning Meeting	withdrawn without prejudice	Pass
9/12/2023	1	Planning Commission		

Public Hearing: YES NO **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Tawanda Vauss for a Special Land Use Permit (SLUP) to allow a Personal Care Home for seven (7) individuals within the RSM (Small Lot Residential Mix) zoning district. The property is located at 7566 Union Grove Road in Lithonia, Georgia.

PETITION NO: N3-2023-0873 SLUP-23-1246543

PROPOSED USE: Personal care home for seven (7) individuals.

LOCATION: 7566 Union Grove Road, Lithonia, Georgia 30058

PARCEL NO. : 16-186-01-007

INFO. CONTACT: Lucas Carter, Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Tawanda Vauss for a Special Land Use Permit (SLUP) to allow a Personal Care Home for seven (7) individuals within the RSM (Small Lot Residential Mix) zoning district. The property is located at 7566 Union Grove Road in Lithonia, Georgia.

RECOMMENDATION:

COMMUNITY COUNCIL: No Quorum.

PLANNING COMMISSION: Approval with one (1) condition.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The request is for a SLUP that would allow the expansion of the existing personal care home (SLUP 17- 21824) from up to six (6) individuals to seven (7) or more individuals. While the 2017 SLUP application demonstrated alignment with the Zoning Ordinance and is in harmony with the overarching objectives outlined in the Comprehensive Plan, the current applications for rezoning and a new SLUP to accommodate seven (7+) or more individuals do not. The proposed PCH for seven or more individuals is more of an institutional use than a residential use and is not consistent with the purpose and intent of the RSM zoning district (see companion rezone request) “to provide for the creation of residential neighborhoods that allow a mix of single-family attached and detached housing options” and “to provide flexibility in design and product on the interior of new developments while protecting surrounding neighborhoods”. Typically, personal care homes for seven (7) or more individuals tend to be permitted in higher-density and institutional zonings per the ordinance, these being Mixed-Use, Light Commercial, and Office-Institutional districts for example. While there is RSM zoning in the vicinity, those RSM zoned properties are located south of Union Grove Road which serves as the boundary between the smaller-lot residential zoned properties to the south of Union Grove Road and the larger lot R-85 zoned properties to the north of Union Grove Road. Therefore, allowing a denser RSM zoning district north of Union Grove Road could disrupt and alter established low-density R-85 residential development patterns which could be inconsistent with the goals of the Suburban Character Area to protect established neighborhoods from development that could alter established development patterns. The submitted site plan for the personal care home shows five (5) bedrooms may be insufficient to accommodate seven or more individuals. This discrepancy between the intended capacity and the available bedrooms within the facility raises questions about the adequacy of the existing construction to support the intended use which is inconsistent with Section 7.4.6A which requires a finding that the size of the site must be adequate to accommodate the proposed use. Projected impacts on traffic and access routes are anticipated to be minimal. Safety considerations, encompassing both pedestrian and vehicular access, appear to be sufficient. Operational patterns are expected to align with typical residential norms. However, approving increased capacity at this location would require a rezoning of the property. Staff has recommended denial for the companion rezoning application to RSM (Z-23-1246542), on the account that the request is not consistent with the policies and strategies of the Suburban Character are of the Comprehensive Land Use Plan, is not compatible with surrounding properties, and is not consistent with the Supplemental Regulations for Personal Care Homes (Section 7.3.5.A, 7.3.5.B, and 4.2.41). Based on review of Section 7.4.6.A (adequacy of size of site to support proposed use), 7.4.6B (compatibility with surrounding properties) and 7.4.6.K (consistency with Comprehensive Plan), Staff recommends “Denial” of the SLUP application. The companion rezoning (Z-23-1246542) application for the same property should be considered in tandem with this rezoning request.

PLANNING COMMISSION VOTE: **Approval with one (1) condition 6-1-0.** Jan Costello moved, LaSonya Osler seconded for approval with one (1) condition that there be no more than seven (7) residents. Edward Patton opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: **No Quorum.** Members present voted for approval.