



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Legislation Details (With Text)

**File #:** 2021-3515    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 12/7/2021    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 1/27/2022    **Final action:**  
**Title:** COMMISSION DISTRICT(S): District 05 Super District 07  
Application of Luxury Living Experience PCH for a Special Land Use Permit (SLUP) for a personal care home for four to six persons in the RSM (Small Lot Residential Mix) Zoning District, at 2038 Mallard Way.

### Indexes:

**Attachments:** 1. SLUP-22-1245307 Recommended Conditions 2038 Mallard Way Rev. 1.14.2022, 2. SLUP-22-1245307 Staff Report BOC Jan. 2022 2038 Mallard Way

Date	Ver.	Action By	Action	Result
1/27/2022	1	Board of Commissioners - Zoning Meeting	approved with conditions	Pass
1/4/2022	1	Planning Commission	approved with conditions per staff recommendation	Pass

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

### SUBJECT:

**COMMISSION DISTRICT(S):** District 05 Super District 07

**Application of Luxury Living Experience PCH for a Special Land Use Permit (SLUP) for a personal care home for four to six persons in the RSM (Small Lot Residential Mix) Zoning District, at 2038 Mallard Way.**

**PETITION NO:** N1. SLUP-22-1245307 2021-3515

**PROPOSED USE:** Personal Care Home for up to six.

**LOCATION:** 2038 Mallard Way, Lithonia, Georgia 30058

**PARCEL NO. :** 16-059-01-227

**INFO. CONTACT:** Nahomie Lagardere, Planner

**PHONE NUMBER:** 404-371-2155

### PURPOSE:

Application of Luxury Living Experience PCH for a Special Land Use Permit (SLUP) for a personal care home for four to six persons in the RSM (Small Lot Residential Mix) Zoning District, in accordance with Section 27 4.2.41 of the DeKalb County Zoning Ordinance. The property is located approximately 250-feet north of the intersection of Mallard Way and Mallard Trail, at 2038 Mallard Way, Lithonia, GA 30058. The property has approximately 38-feet of frontage along Mallard Way and contains 0.2 acre.

### RECOMMENDATION:

**COMMUNITY COUNCIL:** Approval.

**PLANNING COMMISSION:** Approval with Conditions.

**PLANNING STAFF:** Deferral.

**STAFF ANALYSIS:** The proposal is consistent with the following policy of the 2035 Comprehensive Plan. The proposed increase in the number of resident clients to a maximum of six persons is not expected to affect adjoining and nearby properties. The previous issuance of a personal care home at the subject property did not present any resistance to the adjoining properties. The hours of operation are in conjunction with residential home and are not expected to adversely impact adjoining properties. Therefore, the Department of Planning and Sustainability recommends “Deferral, pending the applicant provide proof of meeting the distance requirements of one thousand (1,000) feet from any other personal care home”. Should this be provided prior to the BOC, Planning Staff recommends the attached conditions.

**PLANNING COMMISSION VOTE: Approval with Conditions 8-0-0.** Gwendolyn McCoy moved, LaSonya Osler seconded for Approval with Staff’s four (4) recommended conditions. Vivian Moore was not present for this vote.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 7-0-2.**