



Legislation Details (With Text)

File #: 2022-1977 **Version:** 1 **Name:**

Type: Ordinance **Status:** Preliminary Item

File created: 7/26/2022 **In control:** Board of Commissioners - Zoning Meeting

On agenda: 10/4/2022 **Final action:** 10/4/2022

Title: COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Starleatha Denson to rezone property from R-85 (Residential Medium Lot-85) zoning district to RSM (Small Lot Residential Mix) zoning district to increase the size of an existing personal care home from six (6) residents to seven (7) residents, at 2336 Wesley Chapel Road.

Indexes:

Attachments: 1. Wesley Chapel request for withdrawal email, 2. Z-22-1245856 BOC Staff Report 2336 Wesley Chapel Rd

Date	Ver.	Action By	Action	Result
10/4/2022	1	Board of Commissioners - Zoning Meeting		
9/6/2022	1	Planning Commission	Full cycle deferral	Pass

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

SUBJECT:

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Starleatha Denson to rezone property from R-85 (Residential Medium Lot-85) zoning district to RSM (Small Lot Residential Mix) zoning district to increase the size of an existing personal care home from six (6) residents to seven (7) residents, at 2336 Wesley Chapel Road.
PETITION NO: N9. Z-22-1245856 (2022-1977)

PROPOSED USE: Personal care home from six (6) residents to seven (7) residents.

LOCATION: 2336 Wesley Chapel Road, Decatur, Georgia 30035

PARCEL NO. : 15-131-02-009

INFO. CONTACT: Brandon White, Planning Manager

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Starleatha Denson to rezone property from R-85 (Residential Medium Lot-85) zoning district to RSM (Small Lot Residential Mix) zoning district to increase the size of an existing personal care home from six (6) residents to seven (7) residents. The property is located on the east side of Wesley Chapel Road, approximately 472 feet north of South Hairston Road, at 2336 Wesley Chapel Road, Decatur, Georgia. The property has approximately 75 feet of frontage on the east side of Wesley Chapel Road and contains 0.46 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: No Quorum.

PLANNING COMMISSION: Full Cycle Deferral.

PLANNING STAFF: Withdrawal without Prejudice.

STAFF ANALYSIS: The applicant received a special land use permit (SLUP) for the operation of a group, personal care home (maximum of 6 people) in 2018. She is now seeking to increase the number of permanent residents from six (6) to seven (7). A personal care home of seven (7) or more residents is classified as a “community, personal care home.” Additionally, given the greater potential number of residents allowed, community, personal care homes are limited to moderate to high density residential districts, mixed-use districts, and commercial zoning districts. Hence, the applicant has requested a rezoning from the R-85 (Residential Medium Lot-85) Zoning District to the RSM (Small Lot Residential Mix) Zoning District. There is a companion special land use permit (SLUP-22-1245857) for the community, personal care home as well. The County Health Department “regulations prohibit use of on-site sewage disposal systems for personal care homes with more than six (6) clients.” Upon receipt of this information, the applicant has requested a withdrawal of the application. Staff recommends “Withdrawal without prejudice”.

PLANNING COMMISSION VOTE: Full Cycle Deferral 8-0-0. Jan Costello moved, Jana Johnson seconded for a full cycle deferral to the November 2022 zoning agenda, to allow this application to run concurrent with the companion SLUP application and allow the applicant time to discuss septic/sewer issues with the owner.

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