



Legislation Details (With Text)

File #: 2022-1978 **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 for a Special Land Use Permit to increase the size of an existing personal care home from six (6) residents to seven (7) residents in the R-85 (Residential Medium Lot-85) zoning district, at 2336 Wesley Chapel Road.

Indexes:

Attachments: 1. Wesley Chapel request for withdrawal email, 2. SLUP-22-1245857 Sept BOC Staff Report 2336 Wesley Chapel Rd

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

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

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

Application of Starleatha Denson for a Special Land Use Permit to increase the size of an existing personal care home from six (6) residents to seven (7) residents in the R-85 (Residential Medium Lot-85) zoning district, at 2336 Wesley Chapel Road.

PETITION NO: N10. SLUP-22-1245857 (2022-1978)

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: Andrea Folgherait

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Starleatha Denson for a Special Land Use Permit to increase the size of an existing personal care home from six (6) residents to seven (7) residents, in accordance with Table 4.1 Use Table of the Zoning Ordinance in the R-85 (Residential Medium Lot-85) zoning district. 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: Full Cycle Deferral.

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. There is a companion rezoning from the R-85 (Residential Medium Lot-85) Zoning District to the RSM (Small Lot Residential Mix) Zoning District. The rezoning must be approved in order to consider this SLUP proposal. The requested use is consistent with the *Comprehensive Plan* and *Zoning Ordinance*. The subject property is located in the Suburban (SUB) future land use character area, which includes assisted living and institutional uses as primary land uses (pg. 115). Additionally, the subject property has direct access to a major arterial road; is within proximity to the Wesley Chapel Town Center activity center; and it is not part of a cohesive residential subdivision. The proposal permits a use expansion of a desirable and necessary use and promotes a modest increase in residential density near an activity center with little to no significant impact on adjacent residential communities. The District 5 Community Council recommend approval of the request and no opposition has been raised thus far. Although, the applicant does not propose any expansion of the existing building footprint, it is important to note that the subject property is served by septic tank (i.e., on-site sewage disposal system). 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. Jana Johnson moved, Jan Costello seconded for a full cycle deferral to the November 2022 zoning agenda, per Staff recommendation.

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