



Legislation Details (With Text)

File #: 2023-0871 **Version:** 1 **Name:**

Type: Ordinance **Status:** Public Hearing

File created: 7/11/2023 **In control:** Board of Commissioners

On agenda: 12/12/2023 **Final action:**

Title: COMMISSION DISTRICT(S): Commission District 3 Super District 6
Application of First Family Home Care, LLC to request a Special Land Use Permit (SLUP) for a personal care home for up to six (6) individuals within the R-75 (Residential Medium Lot-75) zoning district, at 3137 Weslock Circle.

Indexes:

Attachments: 1. Substitute 2023 10.24 Item 2023-0871, 2. 2023-0871 Substitute SLUP Conditions_rev 12-12-23, 3. 2023-0871 Recommended Conditions, 4. 2023-0871 Substitute Agenda item, 5. SLUP-23-1246540 Sept 2023 BOC Recommended Conditions, 6. SLUP-23-1246540 Sept BOC 2023 Staff Report 3137 Weslock Cir, 7. SLUP-23-1246540 Sept PC 2023 Staff Report 3137 Weslock Cir

| Date | Ver. | Action By | Action | Result |
|------------|------|---|----------------------|--------|
| 12/12/2023 | 1 | Board of Commissioners | approved substitute | Pass |
| 11/8/2023 | 1 | Board of Commissioners | deferred | Pass |
| 10/24/2023 | 1 | Board of Commissioners | deferred substitute | Pass |
| 9/28/2023 | 1 | Board of Commissioners - Zoning Meeting | deferred for 30 days | Pass |
| 9/12/2023 | 1 | Planning Commission | | |

SUBSTITUTE

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

SUBJECT:

COMMISSION DISTRICT(S): Commission District 3 Super District 6
Application of First Family Home Care, LLC to request a Special Land Use Permit (SLUP) for a personal care home for up to six (6) individuals within the R-75 (Residential Medium Lot-75) zoning district, at 3137 Weslock Circle.

PETITION NO: N1-2023-0871 SLUP-23-1246540

PROPOSED USE: Personal care home for up to six (6) individuals.

LOCATION: 3137 Weslock Circle, Decatur, Georgia 30034

PARCEL NO. : 15-086-05-078

INFO. CONTACT: John Reid, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of First Family Home Care, LLC to request a Special Land Use Permit (SLUP) for a personal care home for up to six (6) individuals within the R-75 (Residential Medium Lot-75) zoning district. The property is

located at 3137 Weslock Circle in Decatur, Georgia.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval with Conditions.

PLANNING COMMISSION: Approval with modified conditions.

STAFF RECOMMENDATION: Approval with Conditions.

PLANNING STAFF ANALYSIS: The applicant requests a special land use permit (SLUP) for a personal care home in order to accommodate four (4) to six (6) elderly adults at 3137 Weslock Circle. The proposal is in accordance with the *Zoning Ordinance* and aligns with the goals outlined in the *Comprehensive Plan* on page 41 such as increasing health care and assisted living facilities. It appears to support the objectives of the Comprehensive Plan including better community connectivity. The property is located in the Suburban (SUB) future land use character area, where assisted living facilities are designated as a primary land use. The proposal aligns with the R-75 Zoning District and the Suburban (SUB) land use area. The site is 0.31 acres with a 2,589 square foot house, providing adequate space for up to five residents with five bedrooms and driveway space to park up to four vehicles for the proposed four full-time employees. At the planning commission meeting, it was brought to staff attention that tax records only show the house had three bedrooms despite the applicant claiming five in the letter of intent. The two additional rooms are located in the basement area. The proposal conforms with the development and use patterns of the existing neighborhood. The proximity to the South River Trail, bordering the southside of the property, offers adjacent recreational access including a place to walk, access to fresh air, and provides a natural setting fitting for the proposed establishment. Existing public services and utilities are expected to adequately support the proposed use. The site layout, driveway, and proximity to Corbin Avenue appear adequate to manage potential traffic impacts, which are expected to be minimal, as well provide sufficient access for emergency vehicles. Operational practices are likely to align with typical residential patterns. There are no other personal care homes within 1,000 ft.; with the nearest ones being approximately 4,000 feet away. The proposal complies with supplemental regulations per Sec. 4.2.41. Therefore, after reviewing Section 7.4.6, staff recommends approval of the SLUP subject Staff's recommended conditions.

PLANNING COMMISSION VOTE: Approval with modified conditions 7-0-0. Vivian Moore moved, Jan Costello seconded for approval with staff's conditions with a modification of conditions to read as follows: The 2-year sunset for the SLUP shall begin at the start of the business when the PCH gets its first resident; and, with a max of 5 residents, each shall have their own room.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval with Conditions 6-1-0. Approval with the following conditions: 1) SLUP shall expire in two years and must be renewed to continue operation; and 2) Maximum of 5 individuals.