Public Hearing: YES 🛛 NO 🗆 Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 5 & 7 Application of Michelle Bennett for a Special Land Use Permit (SLUP) for a Personal Care Home to allow for up to six adults, at 1880 Singer Way. PETITION NO: N2. SLUP-20-1244230 2020-1166

PROPOSED USE: Personal Care Home - up to six adults

LOCATION: 1880 Singer Way

PARCEL NO. : 16-060-03-039

INFO. CONTACT: Jeremy McNeil, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Michelle Bennett for a Special Land Use Permit (SLUP) for a Personal Care Home to allow for up to six adults in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Section 2-4.2.41 Supplemental Regulations of the DeKalb County Code. The property is located on the north side of Singer Way, approximately 116 feet east of Taffeta Trail, at 1880 Singer Way in Lithonia, Georgia. The property has approximately 129 feet of frontage along Singer Way and contains 0.34 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval with a condition.

PLANNING COMMISSION: Pending.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The proposed SLUP (Special Land Use Permit) request seeks to expand the existing personal care home from 3 to residents. The application meets the criteria of the zoning ordinance for a personal care home for up to six (6) persons. there should be little or no impact on traffic. There will be no physical changes to the exterior of the existing single-family residence. Therefore, the residence will be compatible in character with existing and surrounding single-family residences in the area. The proposed use is consistent with the following DeKalb County 2035 Comprehensive Plan Housing Policy: Special Needs – Increase the availability of special needs housing to meet the growing population. Given that it appears that there are no other personal care homes for six (6) residents in the immediate surrounding area, the Department of Planning and Sustainability recommends "<u>Approval, with conditions</u>".

PLANNING COMMISSION VOTE: Pending.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval w/Condition 7-0-0.

Recommendation for approval is with the condition to decrease the limit to no more than 4 instead of 6.

SLUP-20-1244230 RECOMMENDED CONDITIONS

- 1. Limit use to a personal care home for up to six 6 persons within the existing residential structure.
- 2. Access shall be limited to the existing curb cut on Singer Way.
- 3. All refuse containers shall be screened from public view except during pick-up.
- 4. No identification sign for the personal care home shall be posted on the property.
- 5. The applicant shall secure the necessary certification by the State of Georgia and the necessary business license, building permit and certificate of occupancy for six (6) persons from DeKalb County.
- 6. The Special Land Use Permit shall be issued to Bennett Personal Care Home, LLC (Administrator-Michelle Bennett) for operation of a personal care home and shall not be transferrable.
- 7. The approval of this Special Land Use application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 300 Decatur, GA 30030 (404) 371-2155 / plandev@dekalbcountyga.gov

Michael ThurmondPlanning Commission Hearing Date: November 05, 2020Chief Executive OfficerBoard of Commissioners Hearing Date: November 17, 2020

STAFF ANALYSIS

| Case No.: | SLUP-20-1244230 | Agenda #: N.2 | |
|---|--|--|--|
| Location/Address: | The property is located along the north side of Singer Way, approximately 116 feet east of Taffeta Trail at 1880 Singer Way in Lithonia, Georgia. | Commission District: 05 Super District: 07 | |
| Parcel ID: | 16-060-03-039 | | |
| Request: | adults in a R-100 (Residential Mediu | t (SLUP) for a personal care home for to up to six m Lot) District, in accordance with Chapter 27, ction 27-4.2.41 Supplemental Regulations of the | |
| Property Owner/Agent: | Michelle Bennett | | |
| Applicant/Agent: | Michelle Bennett | | |
| Acreage: | .34 Acres | | |
| Existing Land Use: | Personal Care Home for 3 adults | | |
| Surrounding Properties/ Adjacent Zoning: | East, north, south and west are single-family detached residences zoned R-100 (Residential Medium Lot) District and RSM (Small Lot Residential Mix) District. | | |
| Comprehensive Plan: | Suburban (SUB) | X Inconsistent | |

| Proposed Building Square Footage: N/A | Existing Building Square Footage: 2,226 square feet | |
|---------------------------------------|---|--|
| Proposed Lot Coverage: N/A | Existing Lot Coverage: <35% | |

ZONING HISTORY & SITE ANALYSIS

The property is located along the north side of Singer Way, approximately 116 feet east of Taffeta Trail at 1880 Singer Way in Lithonia, Georgia. The subject site contains 1.09 acres with approximately 129 feet of frontage along Singer Way (Local Street) .The subject property is currently developed with single family detached structure. East, north, south and west are single-family detached residences zoned R-100 (Residential Medium Lot) District and RSM (Small Lot Residential Mix) District. The subject property is zoned R-100 (Residential Medium Lot) District.

PROJECT ANALYSIS

The applicant is requesting a Special Land Use Permit (SLUP) for a personal care home for to up to six adults in a R-100 (Residential Medium Lot) zoning district. Based on the submitted materials, the applicant is requesting a Special Land Use Permit (SLUP) to expand from three (3) to a maximum (6) residents for a group personal care home in an R-100 (Residential Medium Lot) District.

The DeKalb County Code defines a personal care home as follows: A building(s) in which housing, meals, personal assistance services, and twenty-four (24) hour continuous watchful oversight for adults are provided and which facility is licensed or permitted as a personal care home by the State of Georgia.

IMPACT ANALYSIS

Section 27-7.4.6 of the DeKalb County Code states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.

A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located:

The 1.09 acre lot is adequate for operation of a personal care home for six (6) residents.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:

The proposed personal care home for six (6) persons is compatible with other single-family residences on Singer Way Road. There will be no outside physical changes to the existing single-family structure or signage indicating that the use is a personal care home.

C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:

Given that the site is within an established single-family residential neighborhood, it appears that there are adequate public services, public facilities and utilities to serve the proposed personal care home as a single family residence.

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the proposed use, so as not to unduly increase traffic or create congestion in the area:

Planning Staff anticipates little or no impact on public streets or traffic in the area.

E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.

Traffic or character of vehicles generated by the proposed use will not adversely impact existing land uses along access routes to the sites.

F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency:

The existing residential structure on the site is accessed by vehicles via the existing curb cut and driveway on Singlar Way. Emergency vehicles can access the site from the existing driveway.

G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:

The increase in number of clients from 3 to 6 residents will not create adverse impacts upon any adjoining single-family land uses by reason of noise, smoke, odor, dust or vibration.

H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:

Per the information submitted with the application, the personal care home with six residents as 24-hour residential care may not create adverse impacts upon adjoining single-family land uses.

I. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

The increase from three (3) to (6) six residents will not affect the adjoining single-family residences on Singlar Way. The site will operate basically as a single-family residence with caregivers for six occupants.

J. Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The R-100 (Residential Medium Lot) District allows a personal care home for three (3) residents without a Special Land Use Permit. Four (4) to six (6) residents require a SLUP in the R-100 zoning district which is the subject of this application.

K. Whether or not the proposed use is consistent with the policies of the comprehensive plan.

Located within a Suburban Neighborhood Character area designated by the 2035 Comprehensive Land Use Plan Map, the proposed use is consistent with the following Housing Policy: Special Needs – Increase the availability of special needs housing to meet the growing population. The site is currently providing additional housing accommodations for persons in need while not changing the character of the area.

L. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

Transitional buffer zones are not required.

M. Whether or not there is adequate provision of refuse and service areas.

Adequate refuse areas will be provided.

N. Whether the length of time for which the special land use permit is granted should be limited in duration:

There does not appear to be any compelling reasons for limiting the duration of the requested Special Land Use Permit.

O. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

The personal care home in the existing residential structure is consistent in size, scale, and massing with adjacent and surrounding single-family residences in the area.

P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

It does not appear that the proposed use will adversely affect historic building sites, districts, or archaeological resources.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in Article 6. The site can accommodate in excess of 4 parking spaces.

In order to prevent institutionalizing residential neighborhoods, no group personal care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 zoning district may be operated within one thousand (1,000) feet of any other group personal care home. The one thousand (1,000) foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two tracts of land on which the group personal care homes are located.

There are no known personal care homes within 1,000 feet of the subject site.

R. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

Adjacent and surrounding residential properties are one story and split frame structures which are the same as the existing residence on the site. There will be no negative shadow impact on any adjoining lot.

S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

The site currently provides a community service by providing housing for 3 residents on the site in the existing personal care home. Increasing that number to six (6) would allow an opportunity to serve others in the area in need of housing with 24-hour care.

STAFF RECOMMENDATION:

The proposed SLUP (Special Land Use Permit) request seeks to expand the existing personal care home from 3 to residents. The application meets the criteria of the zoning ordinance for a personal care home for up to six (6) persons. there should be little or no impact on traffic. There will be no physical changes to the exterior of the existing single-family residence. Therefore the residence will be compatible in character with existing and surrounding single-family residences in the area. The proposed use is consistent with the following DeKalb County 2035 Comprehensive Plan Housing Policy: Special Needs – Increase the availability of special needs housing to meet the growing population. Given that it appears that there are no other personal care homes for six (6) residents in the immediate surrounding area, the Department of Planning and Sustainability recommends **"APPROVAL CONDITIONAL"** of the applicant's request. Should the Board of Commissioners choose to approve the petition, Planning Staff recommends the following conditions

- 1. Limit use to a personal care home for up to six 6 persons within the existing residential structure.
- 2. Access shall be limited to the existing curb cut on Singlar Way.
- 3. All refuse containers shall be screened from public view except during pick-up.
- 4. No identification sign for the personal care home shall be posted on the property.
- 5. The applicant shall secure the necessary certification by the State of Georgia and the necessary business license, building permit and certificate of occupancy for six (6) persons from DeKalb County.
- 6. The Special Land Use Permit shall be issued to Bennett Personal Care Home, LLC (Administrator-Michelle Bennett) for operation of a personal care home and shall not be transferrable.
- 7. The approval of this Special Land Use application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

Attachments:

- 1. Department and Division Comments
- 2. Application
- 3. Site Plan
- 4. Zoning Map and Land Use Map
- 5. Aerial Photograph/Site Photographs



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER <u>mmalexander@dekalbcountyga.gov</u> OR JOHN REID <u>IREID@DEKALBCOUNTYGA.GOV</u>

COMMENTS FORM: PUBLIC WORKS WATER AND SEWER

| Case No.: <u>SLUP-20-1244230</u> | |
|---|--|
| Parcel I.D. #: <u>16-060-03-039</u> | |
| Address: <u>1880 Singer Way</u> | |
| Lithonia, Georgia | |
| Littloma, Georgia | |
| WATER: | |
| Size of existing water main: <u>8" DI Water Main</u> Distance from property to nearest main: <u>Adjacent</u> | to Property MBO |
| Size of line required, if inadequate: N/A | <u></u> |
| Size of the required, it insuequate:IAA | |
| SEWER: | |
| | |
| Outfall Servicing Project: <u>Pole Bridge Creek Bas</u> | <u>sin</u> |
| Is sewer adjacent to property: Yes (X) No () If | no, distance to nearest line: |
| Water Treatment Facility: <u>Pole Bridge WTF</u> | () adequate () inadequate |
| Sewage Capacity; <u>*</u> (MGPD) | Current Flow: <u>6.48</u> (MGPD) |
| COMMENTS: | |
| * Please note that the sewer capacity has not been review must be completed and submitted for review. This can b | ved or approved for this project. A Sewer Capacity Request (SCR) be a lengthy process and should be addressed early in the process. |
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Signature:



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

| Case No.: | 5Lup-20-1244230 |) Parcel I.D. #: | 16-060- | 03-039 |
|-----------|-----------------|------------------|---------|--------|
| | 1880 | | | / |
| | Inger WAY | | | |
| | CITAtorio, GA | | | |

Adjacent Roadway (s):

(classification)

(classification)

| Capacity (TPD) | Capacity (TPD) |
|----------------------------------|----------------------------------|
| Latest Count (TPD) | Latest Count (TPD) |
| Hourly Capacity (VPH) | Hourly Capacity (VPH) |
| Peak Hour, Volume (VPH) | Peak Hour. Volume (VPH) |
| Existing number of traffic lanes | Existing number of traffic lanes |
| Existing right of way width | Existing right of way width |
| Proposed number of traffic lanes | Proposed number of traffic lanes |
| Proposed right of way width | Proposed right of way width |

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) <u>6/7TH</u> Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the______square foot place of worship building would generate______vehicle trip ends, with approximately_____peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____(Single Family Residential) District designation which allows a maximum of _____units per acres, and the given fact that the project site is approximately _____acres in land area, _____daily vehicle trip end, and _____peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

| PLAHS | And + | reld aquinved. | Found Nothing | Yling |
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| | | | | |
| | | | Signature: ATOPA | JMROU |

DEKALB COUNTY

Board of Health

10/19/2020

- To: Mr. John Reid, Senior Planner
- From: Ryan Cira, Environmental Health Manager
- Cc: Alan Gaines, Technical Services Manager
- Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for:

- multiple dwellings
- food service establishments
- · hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed Food Service Operations, Tourist Accommodations, Body Art Studios, Swimming Pools and Water Parks prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation. Recommendation: Provide trash can with liner at each bus stop with bench and monitor for proper removal of waste.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb County Board of Health 445 Winn Way – Box 987 Decatur, GA 30031 404,294,3700 • www.dekalbhealth.net

DEKALB COUNTY

Board of Health

N.1 SLUP-20-1244121 2020-1166/16-060-03-039 5797 Marbut Road, Lithonia, GA 30058 - Please review general comments.

- N.2 SLUP-20-1244230 2020-1166/16-060-03-039 1880 Singer Way, Lithonia, GA 30058
 - Please review general comments.
- N.3 Z-20-1244231 2020-1167/15-228-01-003; 15-228-01-005; 15-228-01-093; 15-288-01-094 1014 Elder Lane, Stone Mountain, GA 30083 - Please review general comments.
- N.4 SLUP-20-1344236 2020-1169/18-012-13-001,18-012-13-002,18-012-13-003,18-012-13-004,18-012-13-005,18-012-13-006,18-012-13-007,18-012-13-008,18-012-13-009,18-012-13-010,18-012-13-011,18-012-13-013,18-012-13-015,18-012-13-020,18-012-13-021 4775 Memorial Drive, Decatur, Georgia, GA 30032
 - Septic installed on nearby property 4738 Memorial Drive, Decatur, GA on this date of 08/10/1963.
 - Please review general comments.
- N.5 SLUP-20-1244237 2020-1170/18-012-13-001,18-012-13-002,18-012-13-003,18-012-13-004,18-012-13-005,18-012-13-006,18-012-13-007,18-012-13-008,18-012-13-009,18-012-13-010,18-012-13-011,18-012-13-013,18-012-13-015,18-012-13-020,18-012-13-021 4775 Memorial Drive, Decatur, GA 30032
 - Septic installed on nearby property 4738 Memorial Drive, Decatur, GA on this date of 08/10/1963.
 - Please review general comments.
- N.6 Z-20-1244238 2020-117/18-121-02-001,18-121-12-007 4549 Erskine Road, Clarkston, Georgia 30021
 - Septic system installed on nearby property 4479 Erskine Road, Clarkston, Georgia 30021
 - Please review general comments.
- N.7 SLUP-20-1244241 2020-1172/18-191-01-010 1896 Ludovie Lane, Decatur, Georgia
 - Please review general comments.

DeKalb County Board of Health

445 Winn Way – Box 987 Decatur, GA 30031 404.294.3700 • www.dekalbhealth.net

DEKALB COUNTY

Board of Health

N.8 SLUP-20-1244242 2020-1174/15-159-09-007,15-159-09-071 2030 Wesley Chapel Road, Decatur, Georgia 30035

- Septic system on 09/27/1983
- Please review general comments
- N.9 TA-20-1244234 2020-1175

- N.10 TA-20-1244234 2020-1183
- N.11 TA-20-1244277 2020-1184
- N.12 TA-20-1244271 2020-1188

DeKalb County Board of Health 445 Winn Way – Box 987 Decatur, GA 30031 404.294.3700 • www.dekalbhealth.net



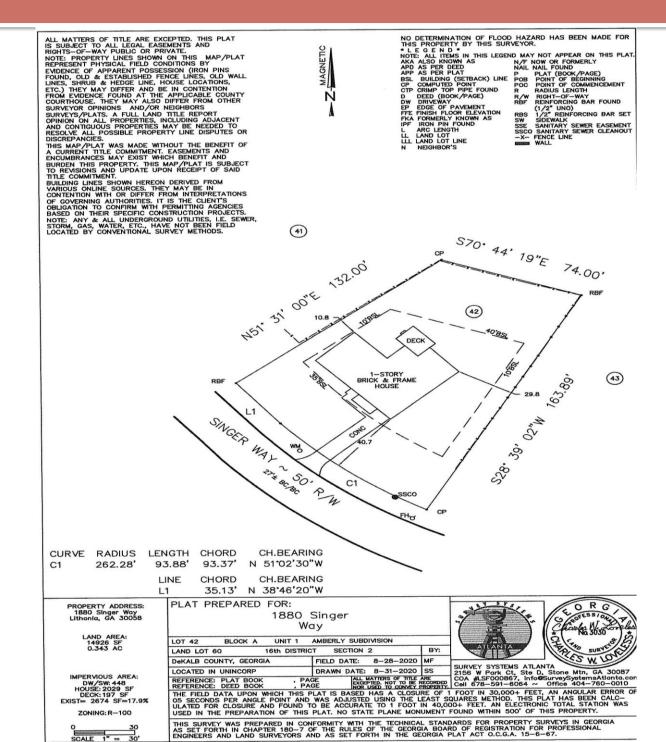
404.371.2155 (o) 404.371.4556 (f) DeKalbCountyGa.gov Clark Harrison Building 330 W. Ponce de Leon Ave Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

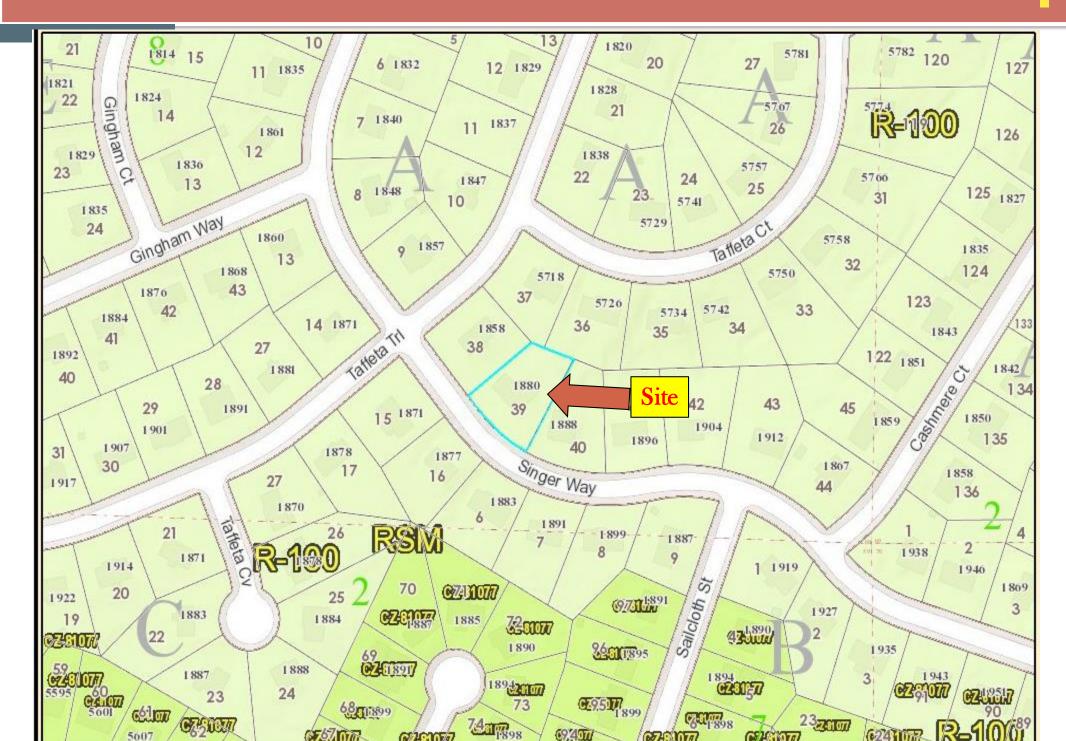
SPECIAL LAND USE PERMIT APPLICATION Amendments will not be accepted after 5 working days after the filing date. Application No.: Date Received: **APPLICANT NAME:** Fax #: T Davtime Phone #: Mailing Address: notmail.com E-mail: Denne (If OWNER NAME: more than one owner, attach contact information for each owner) Fax #: 770 Daytime Phone #: _____ SO Mailing Address: an E-mail: Dennet CRX SUBJECT PROPERTY ADDRESS OR LOCATION: WCN X DeKalb County, GA, 5 WC Parcel(s): Block(s): (n)Land Lot(s): District(s): Commission District(s): 5 and 6 Existing Zoning: Acreage or Square Feet: HOM Proposed Special Land Use (SLUP): I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application. Owner: X Agent: Signature of Applicant: (Check One) Printed Name of Applicant: Notary Signature and Seal: August 2020.

Site Plan/Survey

N. 2



Zoning Map



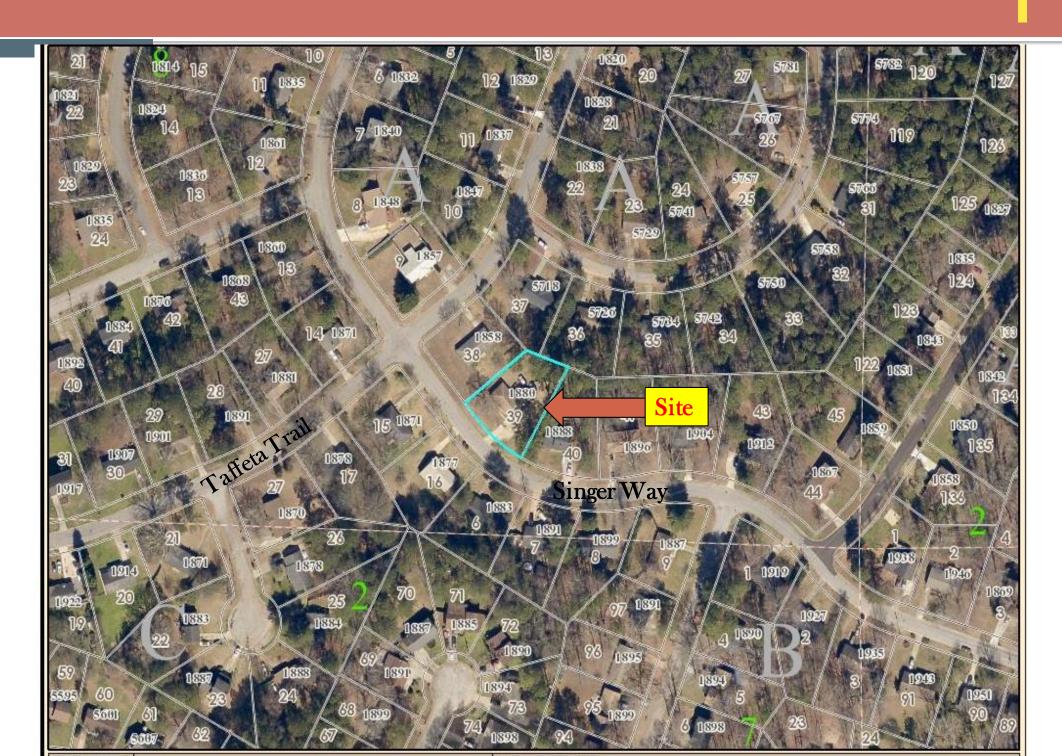
N.2

Future Land Use Map Suburban



N.2

Aerial



Aerial II

