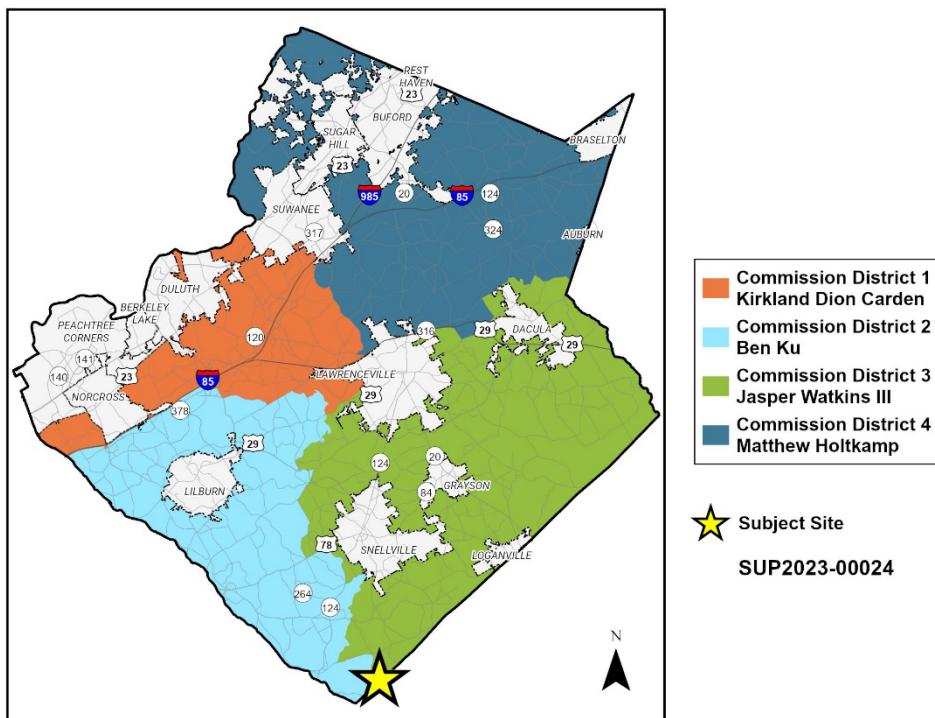




PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number:	SUP2023-00024
Current Zoning:	R-100 (Single-Family Residence District)
Request:	Special Use Permit
Address:	5005 Bryant Drive
Map Number:	R4334 122
Site Area:	3.40 acres
Proposed Development:	Community Living Arrangement (Renewal)
Commission District:	District 2 – Commissioner Ku
Character Area:	Established Neighborhoods
Staff Recommendation:	APPROVAL WITH CONDITIONS
Planning Commission Recommendation:	APPROVAL WITH CONDITIONS



Applicant: Pamela Butler
5005 Bryant Drive
Snellville, GA 30039

Owners: Ricky and Pamela Butler
5005 Bryant Drive
Snellville, GA 30039

Contact: Pamela Butler

Contact Phone: 678.516.7696

Zoning History

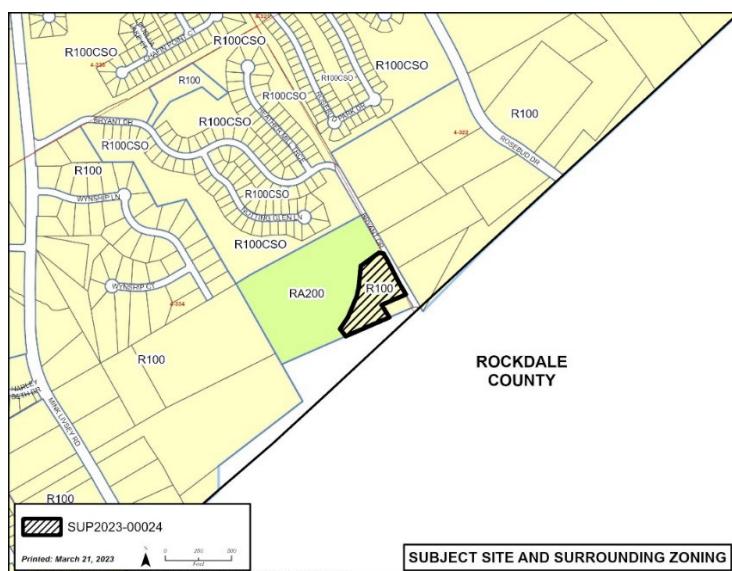
The subject property is zoned R-100 (Single-Family Residence District). In 1970, the subject property was originally zoned RA-200 (Agriculture-Residence District). In 1973, it was rezoned to R-100 per an areawide rezoning. The applicant was granted a special use permit for a Community Living Arrangement in 2021 (SUP2021-00030). This application currently under consideration is a renewal request of this special use permit.

Existing Site Condition

The subject property is a 3.40-acre parcel located on Bryant Drive, north of the Gwinnett County/Rockdale County border. The property contains an existing 4,500 square foot single-family dwelling that was constructed in 2016, and a 903 square foot carport that was constructed in June 2023. There is a concrete driveway with a gravel parking area providing access to Bryant Drive. The land gently slopes upward from west to east and is wooded in the southern portion of the parcel behind the residence. The property has frontage along Bryant Drive, which does not have any sidewalks on either side of the street. The nearest Gwinnett County Transit stop is approximately 13.2 miles from the subject property.

Surrounding Use and Zoning

The subject site is surrounded by single-family residences on large lots, many of which were constructed in the mid-1970's and mid 1980's. The character of the surrounding area is rural. The closest subdivision, Willingham Manor, developed in the mid 2000's, is to the north. Rockdale County is just south of the residence along Bryant Drive. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Community Living Arrangement	R-100	0.29 units per acre
North	Single-Family Residential	RA-200	0.07 units per acre
East	Single-Family Residential	R-100	0.38 units per acre
South	Single-Family Residential	R-100	1.96 units per acre
	Single-Family Residential	Rockdale County	
West	Single-Family Residential	RA-200	0.07 units per acre

Project Summary

The applicant requests a special use permit on a 3.40-acre property to operate a Community Living Arrangement, including:

- An existing two-story residence with 4,500 gross square feet, including a finished basement. The residence containing the Community Living Arrangement received its Certificate of Occupancy in June 2023 (RESBLD2023-01464).
- Six parking spaces within the driveway and connecting gravel area.
- A 35' x 20' carport with a roof matching the dwelling, located to the rear of the home.
- Service for two clients with developmental disabilities.
- One employee providing care for the clients.

Zoning and Development Standards

The applicant is requesting a special use permit to operate a Community Living Arrangement on a property zoned R-100 (Single-Family Residence District). The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Existing	Meets Standard?
Building Height	Maximum 35'	<35'	YES
Front Yard Setback	Minimum 35'	>35'	YES
Side Yard Setback	Minimum 10' one yard Minimum 25' two yards	>10'	YES
Rear Yard Setback	Minimum 40'	>40'	YES
Off-Street Parking	Minimum 2 spaces Maximum 6 spaces	6 spaces	YES

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit E). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

Special Use Permit Analysis: According to the UDO, the staff analysis and recommendation on each application for a special use permit shall follow the same procedures as those contained in Section 270-20. Emphasis shall be given to the evaluation of characteristics of the proposed use in relationship to neighboring properties and the compatibility of the proposed use with its surroundings. For special use permits, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

A. Whether a proposed special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed renewal of a special use permit to allow continued operations of a Community Living Arrangement including two clients and one employee is suitable in an area where there are large lots and a greater separation between homes than in a residential subdivision.

B. Whether a proposed special use permit will adversely affect the existing use or usability of adjacent or nearby property.

A Community Living Arrangement operating within a single-family dwelling on a large lot would not affect the use or usability of nearby property. No alterations are proposed to the home and the residence would provide housing for two clients and one employee.

C. Whether the property to be affected by a proposed special use permit has a reasonable economic use as currently zoned.

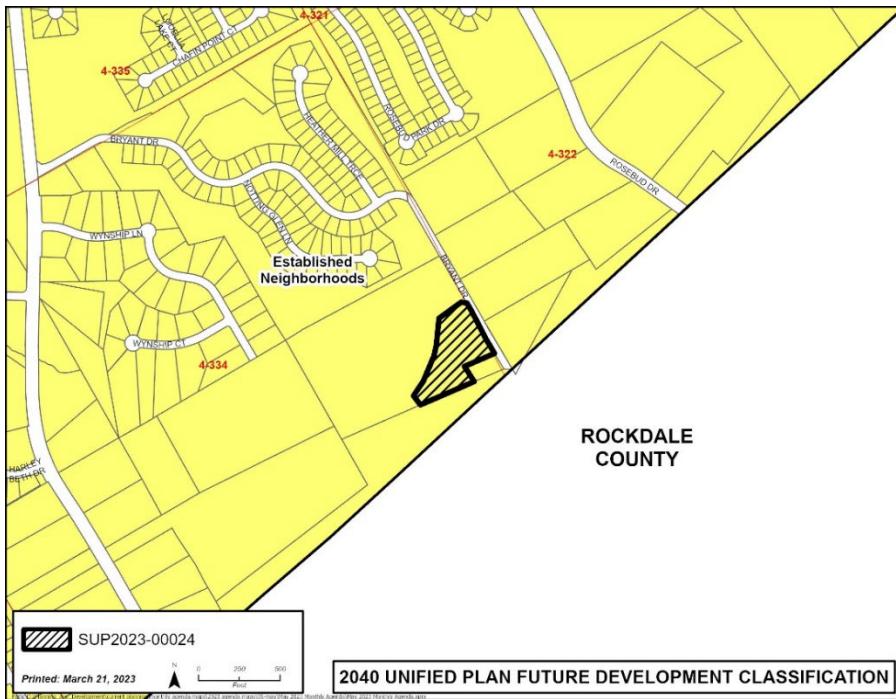
The property as currently zoned has a reasonable economic use.

D. Whether the proposed special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

A minimal increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning request are attached (Exhibit E).

E. Whether the proposed special use permit is in conformity with the policy and intent of the Unified Plan and Future Development Map; and

The subject property is located within the Established Neighborhoods Character Area on the Future Development Map of the Unified Plan. This area designates well established neighborhoods and single-family residential areas that are unlikely to undergo any significant changes or redevelopment in the next 20 years. This Character Area includes those areas where changes in land use are not anticipated or encouraged, and any new development, including residential infill properties, should be consistent in scale, architecture, and use with surrounding properties. No alterations to the existing residence are anticipated that would indicate anything other than a single-family residence, which supports the existing character area.



F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed special use permit.

The Community Living Arrangement has been operating at this location since 2021. There have been no code enforcement violations for this property during this time. Approval of a special use permit for the CLA would provide an alternative housing option for two developmentally disabled clients and one employee in an established residential area of the County.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the special use permit request.

Planning Commission Recommendation

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of the special use permit request.

Planning Commission Recommended Conditions (includes Staff Recommended Conditions)

Approval of special use permit for a Community Living Arrangement, subject to the following conditions:

1. Limited to a state-licensed Community Living Arrangement, providing residence and care for a maximum of two individuals (clients) residing in the home.
2. Exterior signage advertising the Community Living Arrangement shall be prohibited.
3. Any new building(s) or building renovations shall be of a traditional residential style and compatible with homes in the surrounding area. Architectural elevations, building materials, and colors shall be subject to review and approval of the Director of Planning and Development prior to the issuance of a building permit.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Letter of Intent and Applicant's Response to Standards
- D. Application and Disclosure of Campaign Contributions
- E. Internal and External Agency Review Comments
- F. Maps

Exhibit A: Site Visit Photos



View of property from Bryant Drive



Bryant Drive, subject on right

Exhibit B: Site Plan

[attached]

Exhibit C: Letter of Intent and Applicant's Response to Standards

[attached]

RECEIVED

03/08/2023

PRECIOUS LIVING, INC. No. 2
5005 BRYANT DR. SNELLVILLE GA 30089
PHONE: 678-357-3806 or 678-516-7696

January 19th 2023

Gwinnett County Planning Division
446 West Crogan Street Suite 250
Lawrenceville, G 30046

To Planning Division :

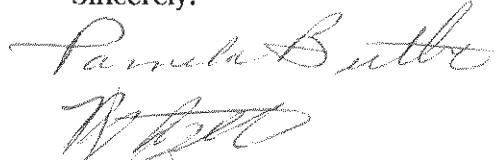
Precious Living Inc. No. 2 is submitting this letter for Renewal of Community Living Arrangement License for Developmental Disabled Individuals to live with assistance at

5005 Bryant Drive Snellville Georgia 30089. It will serve(2)Clients along with employing (1) employee.

This Facility will address and meet Day to Day Living for Developmental Disabled Individual who wish to live in home setting with guidance and assistance to live on their own and ADL's with assisting them transportation to their medical appointments and other such activities that are needed. It enables them to live in the community with assistance.

The Acreage of the property is 3.4 acres
Zoning classification requested is for Community Living Arrangement
Number of lots or dwelling is (1)
Gross square footage of house is 4500
Number of Parking spaces is 6
Height of house 2 Story with a unfinished basement.

Sincerely.



Pamela and Ricky Butler
Precious Living Inc. No. 2
CEO/Administrator

RECEIVED

02/24/2023

SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENT OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

(A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes

(B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

No

(D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No

(E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:

No

Exhibit D: Application and Disclosure of Campaign Contributions

[attached]

RECEIVED

02/24/2023

SPECIAL USE PERMIT APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Pamela Butler</u>	NAME: <u>Ricky and Pamela Butler</u>
ADDRESS: <u>5005 Bryant Dr.</u>	ADDRESS: <u>5005 Bryant Dr.</u>
CITY: <u>Snellville</u>	CITY: <u>Snellville</u>
STATE: <u>GA</u> ZIP: <u>30039</u>	STATE: <u>GA</u> ZIP: <u>30039</u>
PHONE: <u>678-357-3806</u>	PHONE: <u>678-516-7696</u>
EMAIL: <u>DKing9@sbcglobal.net</u>	EMAIL: <u>DKing9@sbcglobal.net</u>
CONTACT PERSON: <u>Pamela Butler</u> PHONE: <u>678-516-7696</u>	
CONTACT'S E-MAIL: <u>DKing9@sbcglobal.net</u>	

*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:
<input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER
EXISTING/PROPOSED ZONING: <u>R-100</u> BUILDING/LEASED SQUARE FEET: <u>4,500</u>
PARCEL NUMBER(S): <u>R4334 122</u> ACREAGE: <u>3.4</u>
ADDRESS OF PROPERTY: <u>5005 Bryant Drive</u>
SPECIAL USE REQUESTED: <u>Community Living Arrangement (CLA)</u> <u>Comparable to a Personal Care Home</u>

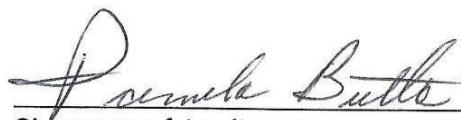
PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

02/24/2023

SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

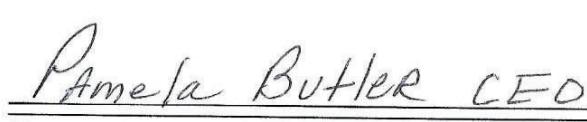
THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



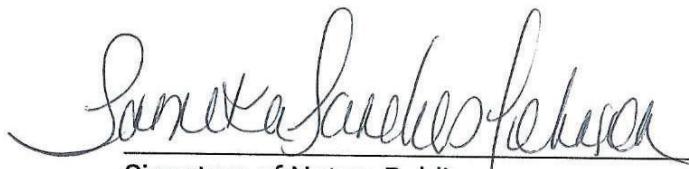
Signature of Applicant

1-18-2023

Date



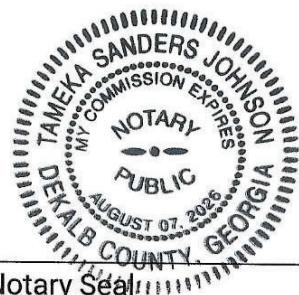
Type or Print Name and Title



Signature of Notary Public

1/18/2023

Date



Notary Seal

RECEIVED

02/24/2023

SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY
CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION
OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12
MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS
WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR
REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST
ACTION BY THE BOARD OF COMMISSIONERS.

Pamela Butler
PB

Signature of Property Owner

1-18-2023

Date

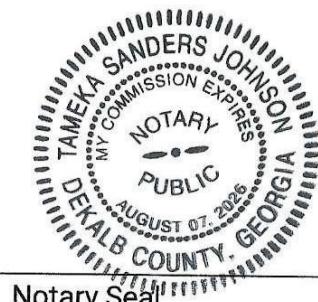
Pamela Butler CEO
Ricky Butler CFO

Type or Print Name and Title

Tameka Sanders Johnson 1/18/2023

Signature of Notary Public

Date



Notary Seal

RECEIVED

02/24/2023

**SPECIAL USE PERMIT IN A
RESIDENTIAL DISTRICT**

(Only submit with Special Use Permit Application for a use within a residence)

I, the undersigned applicant, understand and agree that the Special Use Permit, if approved, shall automatically terminate in the event that this property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued.

Pamela Butte

Signature of Applicant

Pamela Butte

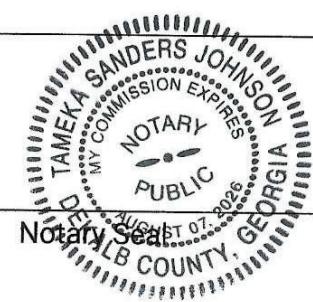
Type or Print Name

1-18-2023

Date

Signature of Notary Public

Date



RECEIVED

02/24/2023

CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Pamela Butte
SIGNATURE OF APPLICANT

1-18-2023
DATE

Pamela Butte CEO
TYPE OR PRINT NAME AND TITLE

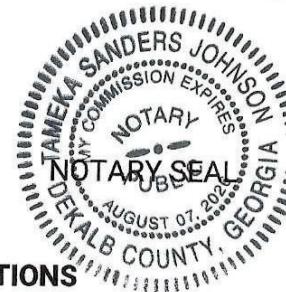
SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE

Tameka Sanders Johnson
SIGNATURE OF NOTARY PUBLIC

DATE



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES

NO

YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

RECEIVED

02/24/2023

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.**

PARCEL I.D. NUMBER:
(Map Reference Number)

R-100 - R4334 - 122
District Land Lot Parcel

Signature of Applicant

1-19-2023

Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE
GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR
APPROVAL BELOW.*****

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL
HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Chris Nelson

NAME

Tax Services Associate

TITLE

January 18 2023

DATE _____

Exhibit E: Internal and External Agency Review Comments

[attached]



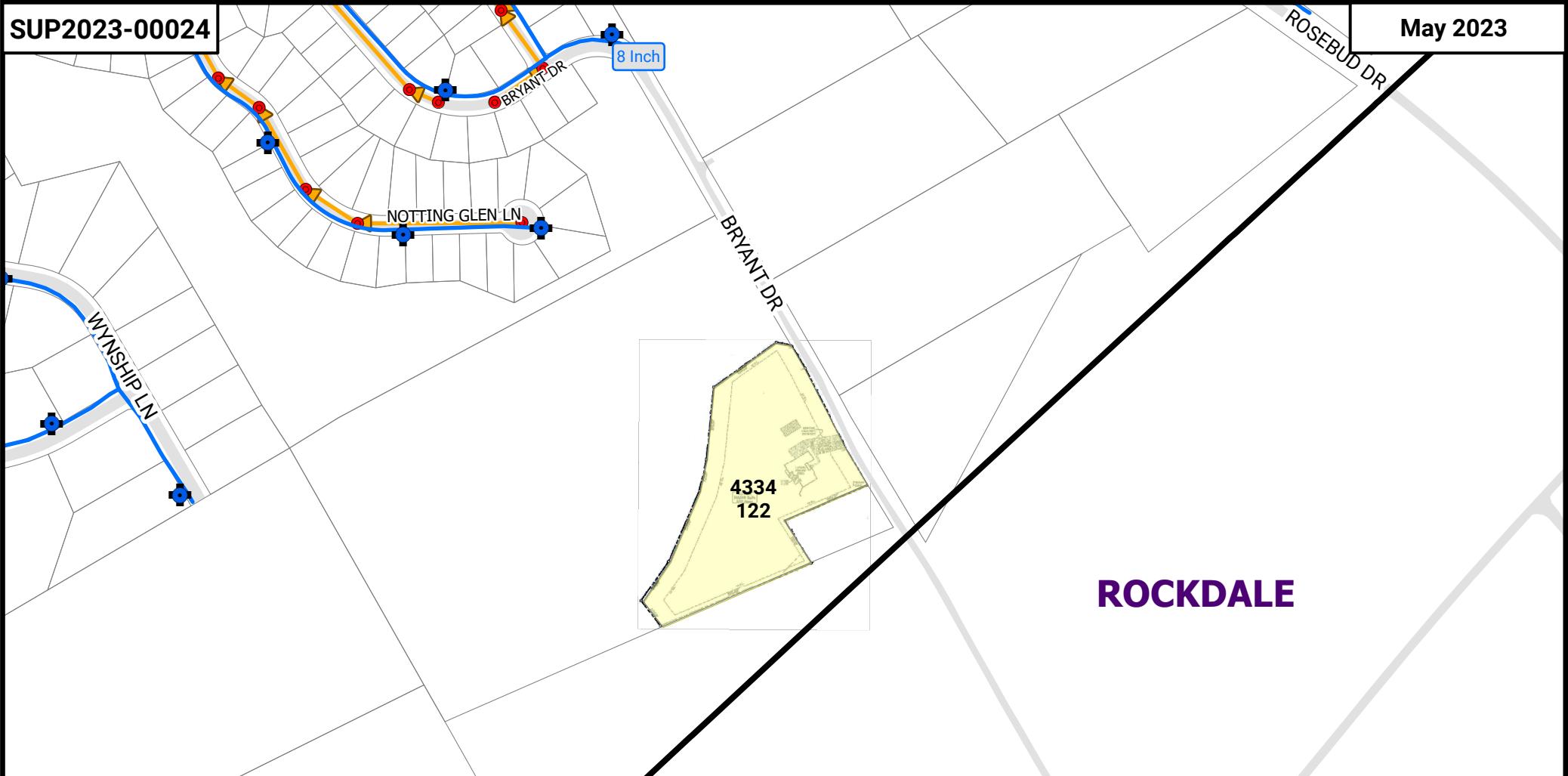
Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date: 4.5.2023		
Department/Agency Name: Transportation		
Reviewer Name: Brent Hodges		
Reviewer Title: Construction Manager 1		
Reviewer Email Address: Brent.Hodges@gwinnettcounty.com		
Case Number: SUP2023-00024		
Case Address: 5005 Bryant Drive		
Comments: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	Bryant Drive is a local street. ADT not on file.	
2	13.2 miles to the nearest transit facility (#2334758) Lawrenceville Highway and Indian Trail-Lilburn Road.	
3		
4		
5		
6		
7		
Recommended Zoning Conditions: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
1		
2		
3		
4		
5		
6		
7		



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

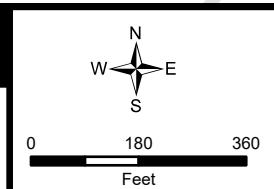
TRC Meeting Date:					
Department/Agency Name: DWR					
Reviewer Name: Mike Pappas					
Reviewer Title: GIS Planning Manager					
Reviewer Email Address: Michael.pappas@gwinnettcounty.com					
Case Number: SUP2023-00024					
Case Address: 5005 Bryant Drive					
Comments:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
1	Water: DWR does not have comments for this development. The existing building is served by a private well; there is no connection to public water system.				
2	Sewer: DWR does not have comments for this development. The existing building is connected to septic and will remain on septic.				
3					
4					
5					
6					
7					
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
1					
2					
3					
4					
5					
6					
7					



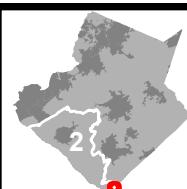
5005 Bryant Drive
R-100

Water & Sewer Utility Map

Flow Management	Hydrant	Sewer Force Main
Pump Station	City	Effluent Outfall
Regional	Water Main	Sewer Collector
Manhole	Reuse Main	Sewer Interceptor



LOCATION



Water Comments: DWR does not have comments for this development. The existing building is served by a private well; there is no connection to public water system.

Sewer Comments: DWR does not have comments for this development. The existing building is connected to septic and will remain on septic.

Water Availability: Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

Water and Sewer Design and Construction Requirements: Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

Private Road Developments: Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

Exhibit F: Maps

[attached]



