

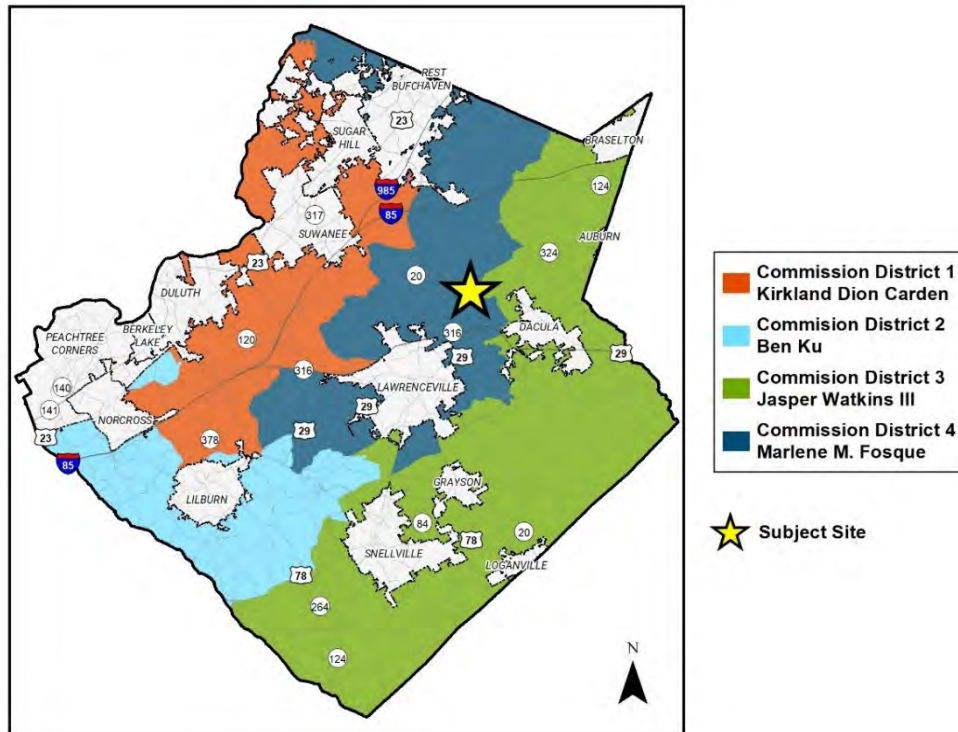


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: SUP2022-00052
Current Zoning: RA-200 (Agriculture Residence District)
Request: Special Use Permit (Renewal)
Address: 1058 Tullis Road
Map Number: R7024 031
Site Area: 1.38 acres
Square Feet: 6,000
Proposed Development: Family Personal Care Home (Renewal)
Commission District: District 4 – Commissioner Fosque
Character Area: Emerging Suburban

Staff Recommendation: APPROVAL WITH CONDITIONS

Planning Commission Recommendation: APPROVAL WITH CONDITIONS



Planning Commission Advertised Public Hearing Date: 10/4/2022
Board of Commissioners Advertised Public Hearing Date: 10/25/2022

Applicant: Michael T. Collins
1058 Tullis Road
Lawrenceville, GA 30043

Owner: Michael T. Collins
1058 Tullis Road
Lawrenceville, GA 30043

Contact: Michael T. Collins

Contact Phone: 407.335.5764

Zoning History

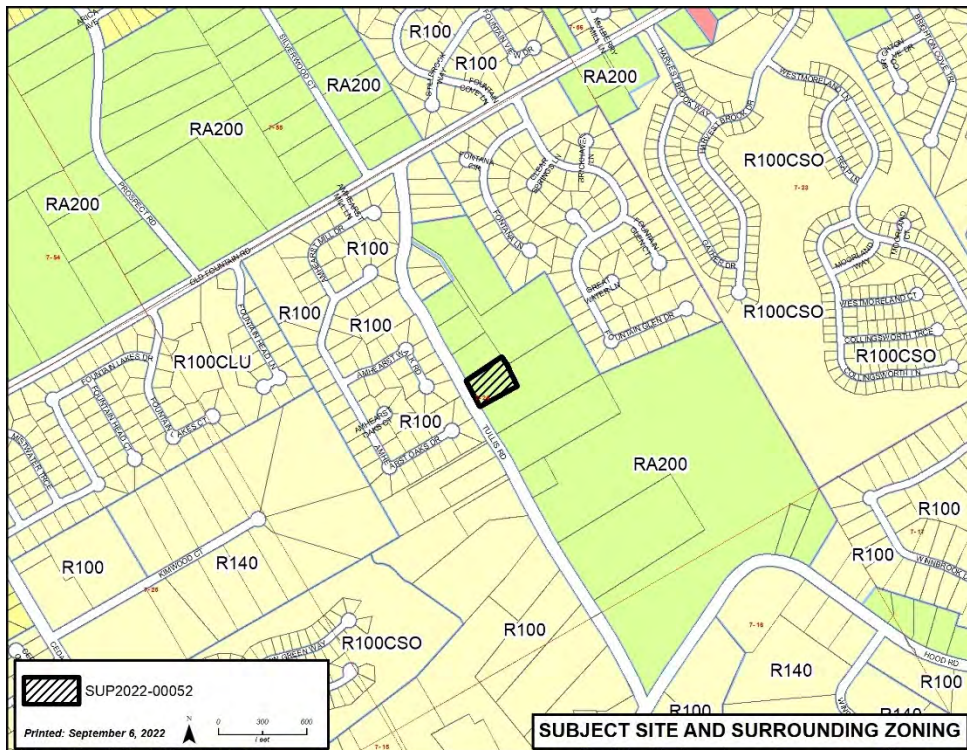
The subject property is zoned RA-200 (Agriculture-Residence District). A 2021 special use permit, SUP2021-00032, was approved on the subject property for a family personal care home with a one-year "sunset clause". The applicant is requesting a renewal of this special use permit.

Existing Site Condition

The subject site is a 1.38-acre property located along Tullis Road, south of its intersection with Old Fountain Road. The site contains a 6,000-square-foot single-family home built in 1979. The property slopes down roughly 24 feet from north to south. Mature tree canopy exists along the road frontage and side property lines. No sidewalks are present along this portion of Tullis Road. Overhead utilities are present along the road frontage. The nearest Gwinnett County Transit stop is 3.9 miles from the site.

Surrounding Use and Zoning

The subject site is surrounded by single-family residences on large lots and subdivisions. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Family Personal Care Home	RA-200	0.72 units per acre
North	Single-Family Residential	RA-200	0.75 units per acre
East	Single-Family Residential	RA-200	0.17 units per acre
South	Single-Family Residential	RA-200	0.17 units per acre
West	Single-Family Residential	R-100	2.12 units per acre

Project Summary

The applicant requests the renewal of a special use permit on a 1.38-acre property zoned RA-200 to allow a family personal care home, including:

- An existing two-story, 6,000-square-foot single-family residence, containing seven bedrooms and four bathrooms.
- Accommodation of six adult residents capable of self-preservation, but in need of assistance with daily living.
- Expansion to accommodate eight residents, once fire suppression improvements are made to the structure.
- Access via a single driveway from Tullis Road with sufficient parking area for visitors and employees.
- There have been no code enforcement violations on the site since approval of the special use permit. Therefore, staff does not recommend an additional sunset clause.

Zoning and Development Standards

The applicant is requesting the renewal of a special use permit for a family personal care home in the RA-200, Agriculture-Residence District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Existing/Proposed	Meets Standard?
Off-Street Parking	Minimum: 1 per 3 beds (2 spaces) Maximum: 1 per 2 beds (4 spaces)	4 spaces	YES
Front Yard Setback	Minimum: 50'	>50'	YES
Side Yard Setback	Minimum: 10'	>10'	YES
Rear Yard Setback	Minimum: 40'	>40'	YES
Lot Size for Personal Care Home	Minimum: 1 acre	1.38	YES
Number of Residents	Maximum: 8	8	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 D). Standard site and infrastructure improvements may also be required related to transportation, stormwater, water, and sewer utilities.

Staff Analysis

Special Use Permit Request 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 of Planning and Development 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 the special use is a use that is suitable in view of the use and development of adjacent and nearby property.

The surrounding area is characterized by single-family residential uses. The continuation of the special use would be suitable considering the uses of the surrounding properties, the property's lot size being over one acre, and its separation from neighboring properties.

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

The family personal care home is compatible with the area's single-family residential land use pattern. The proposed use would not adversely affect the existing use or usability of the adjacent or nearby properties with regard to lighting, noise, or traffic impacts.

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

The property has a reasonable economic use as currently zoned.

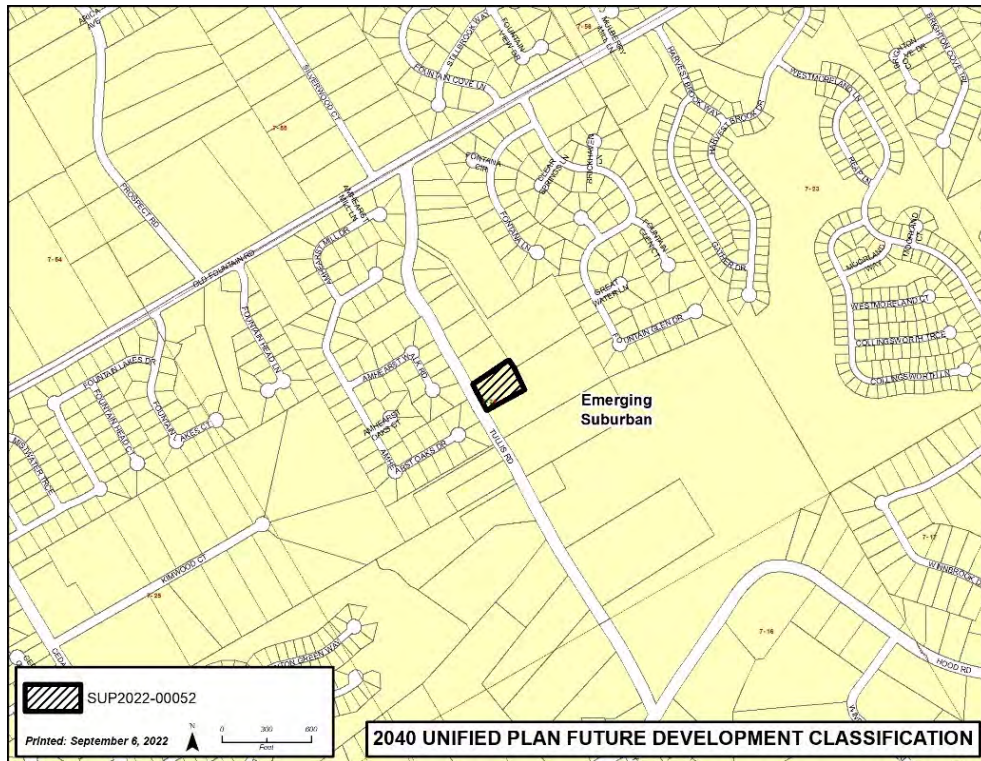
D. Whether the proposed special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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

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

The 2040 Unified Plan and Future Development Map indicate the subject property lies within the Emerging Suburban Character Area. The Emerging Suburban Character Area designates areas that are currently mainly residential but have not yet matured into established communities due to relatively large amounts of remaining undeveloped land. It recommends development types such as senior housing, single family, and open space conservation subdivisions. With recommended conditions, the renewal of the special use permit would be consistent with the

intent of the Unified Plan and Future Development Map.



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.

Family personal care homes approved by the Board of Commissioners are similarly located on classified roadways and on properties that provide adequate separation from neighboring residences, which supports approval of the request. In addition, there are no code enforcement cases on record for the property.

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 a special use permit for a family personal care home, subject to the following conditions:

1. Special uses on the property shall be limited to a state-licensed family personal care home, providing residence and care for a maximum of eight individuals (clients) residing in the home.
2. The home must comply with the Gwinnett County Fire Protection Ordinance.

Exhibits:

- A. Site Visit Photo
- B. Site Plan
- C. Letter of Intent and Applicant's Response to Standards
- D. Internal and External Agency Review Comments
- E. Maps

Exhibit A: Site Visit Photo



View of the site from Tullis Road



View of the Personal Care Home building

Exhibit B: Site Plan

[attached]

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

[attached]

RECEIVED

8/2/2022 05/15/2022

RE: Letter of intent for Family Personal Care Home Renewal

Address: 1058 Tullis Road Lawrenceville, GA. 30043

To whom this may concern,

I, Michael Collins and my wife Sumiko Collins are requesting your approval to renew our Special Use Permit for the dwelling property located at 1058 Tullis Road, Lawrenceville, GA. 30043.

The home is approximately 6,000 sq ft, 1.38 acres, with 7 bedrooms, 4 full bathrooms, connected to sewer and has a very long driveway that allows for adequate parking - which meets all requirements of The Department of Community Health Licensing purposes.

There will be 1 parking space designated per every 2 residents. We intend to have 6 residents and 2 staff members for now until we fully install a Fire Sprinkler and Fire Alarm System with the intention of expanding to 8 residents once completed.

We are respectfully requesting an approval for the renewal of our Special Use Permit.

Thank You

Michael Collins
Sumiko Collins

Exhibit D: Internal and External Agency Review Comments

[attached]



**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

TRC Meeting Date:		9.16.2022	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcounty.com	
Case Number:			
Case Address:		1058 Tullis Road	
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES	NO
1	Tullis Road is a local street. ADT = 581.		
2	3.9 miles to nearest transit facility (#2454819) Collins Hill Road and Collins Industrial Way.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		YES	NO
1			
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021

Exhibit E: Maps

[attached]



AMHEARST WALK RD

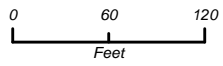
TULLIS RD

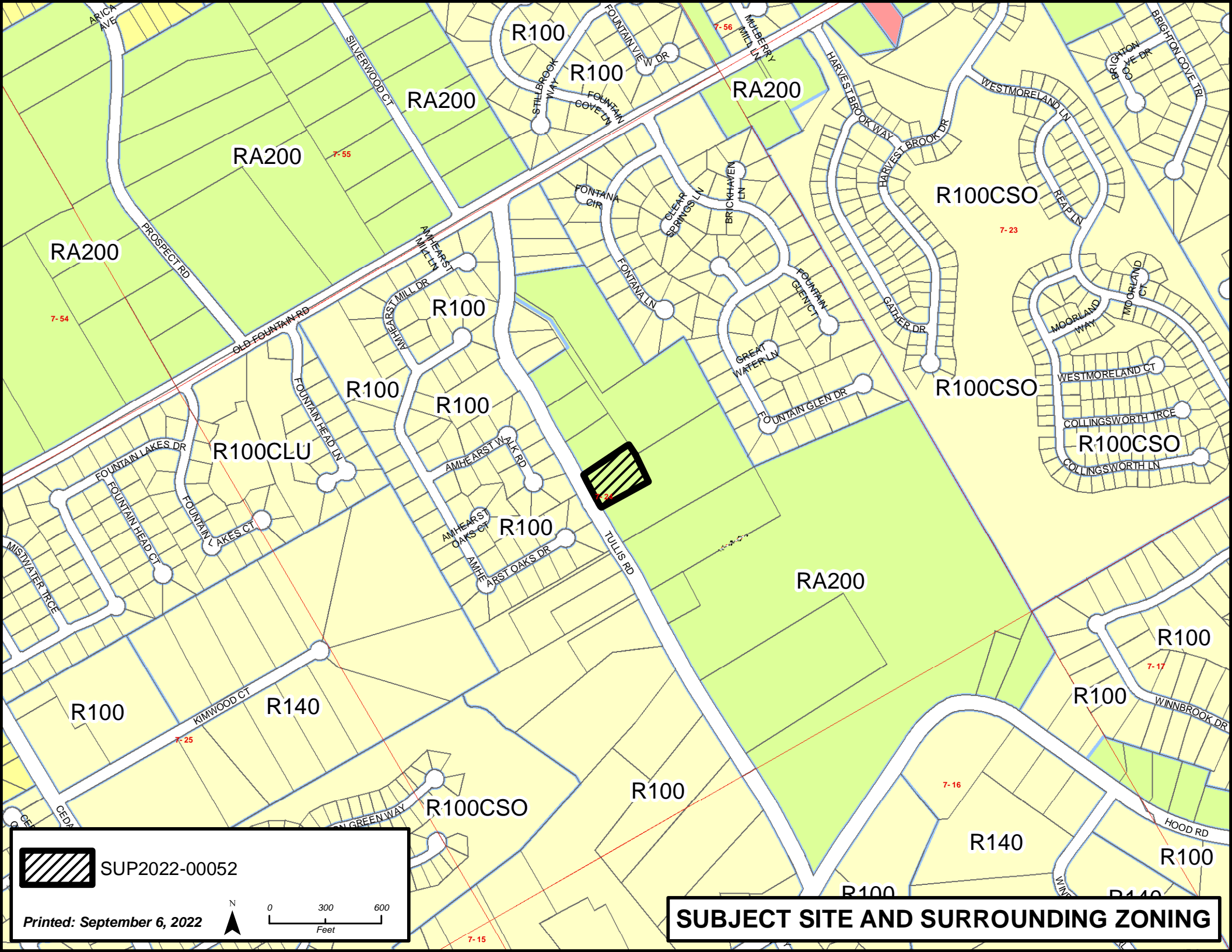
DR




SUP2022-00052

Printed: September 6, 2022





 SUP2022-00052

Printed: September 6, 2022



SUBJECT SITE AND SURROUNDING ZONING

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8/2/2022

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Michael T. Collins</u>	NAME: <u>Michael T. Collins</u>
ADDRESS: <u>1058 Tullis Road</u>	ADDRESS: <u>1058 Tullis Road</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Lawrenceville</u>
STATE: <u>GA</u> ZIP: <u>30043</u>	STATE: <u>GA</u> ZIP: <u>30043</u>
PHONE: <u>407-335-5764</u>	PHONE: <u>407-335-5764</u>
EMAIL: <u>Collinspersonalcarehomes@gmail.com</u>	EMAIL: <u>Collinspersonalcarehomes@gmail.com</u>
CONTACT PERSON: <u>Michael T. Collins</u> PHONE: <u>407-335-5764</u>	
CONTACT'S E-MAIL: <u>Collinspersonalcarehomes@gmail.com</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:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

EXISTING/PROPOSED ZONING: RA-200 BUILDING/LEASED SQUARE FEET: 6,000sq. ft.

PARCEL NUMBER(S): R7024031 ACREAGE: 1.38

ADDRESS OF PROPERTY: 1058 Tullis Road Lawrenceville, GA. 30043

SPECIAL USE REQUESTED: Family personal care Home - Renewal

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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8/2/2022

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. A family personal care home is suitable in the view of nearby properties.

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

No. Nearby properties will not be affected.

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

Yes.

- (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:

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.

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8/2/2022

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.

Michael Collins

Signature of Applicant

6/14/22

Date

Michael Collins / owner

Type or Print Name and Title

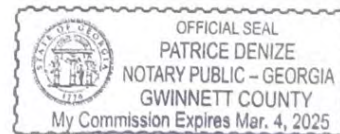
[Signature]

Signature of Notary Public

6/14/22

Date

Notary Seal



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8/2/2022

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.

Michael Collins

Signature of Property Owner

6/14/22

Date

Michael Collins / owner

Type or Print Name and Title

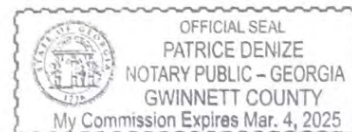
[Signature]

Signature of Notary Public

6/14/22

Date

Notary Seal



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8/2/2022

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 10/2021

**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.

Michael Collins

Signature of Applicant

Michael Collins

Type or Print Name

6/14/22

Date

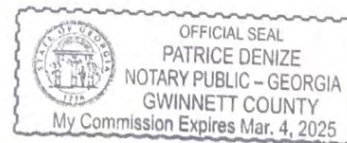
[Signature]

Signature of Notary Public

6/14/22

Date

Notary Seal



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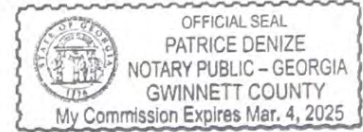
CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

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.

Michael Collins 6/14/22 Michael Collins / owner
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

[Signature] 6/14/22
SIGNATURE OF NOTARY PUBLIC DATE



NOTARY SEAL

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 Michael Collins
YOUR NAME

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

NAME AND OFFICAL 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.

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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8/2/2022 05/15/2022

RE: Letter of intent for Family Personal Care Home Renewal

Address: 1058 Tullis Road Lawrenceville, GA. 30043

To whom this may concern,

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The home is approximately 6,000 sq ft, 1.38 acres, with 7 bedrooms, 4 full bathrooms, connected to sewer and has a very long driveway that allows for adequate parking - which meets all requirements of The Department of Community Health Licensing purposes.

There will be 1 parking space designated per every 2 residents. We intend to have 6 residents and 2 staff members for now until we fully install a Fire Sprinkler and Fire Alarm System with the intention of expanding to 8 residents once completed.

We are respectfully requesting an approval for the renewal of our Special Use Permit.

Thank You

Michael Collins
Sumiko Collins

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8/2/2022



Gwinnett

PRE-APPLICATION INFORMATION FORM

NOTE: Once the Pre-Application Meeting is complete, staff will provide the applicant with a signed copy of this form. This signed copy must be submitted with your official zoning/variance application.

Applicant Information:

Name: Michael T. Collins

Company: Collins Personal Care Homes

Mailing Address: 1058 Tullis Road

City, State, Zip Code: Lawrenceville, GA. 30043

Phone Number: 352-800-1644

Email Address: Collinspersonalcarehomes@gmail.com

Project Summary:

Address of Project: 1058 Tullis Road Lawrenceville, GA 30043.

Name of Project: Special Use Permit Personal Care Home

Application Type (Rezoning, Change in Conditions, Special Use Permit, Buffer Reduction, Variance, Other):

Special Use Permit.

Total Project Acreage: 1.38 Total Square Footage: 6,000 Total Number of Lots/Units: 1

Detailed Description (Include Proposed Use(s) and Square Footage of Floor Area for each use): Personal Care Home owned and operated by myself - Michael Collins and my wife Sumiko Collins. The home is approximately 6,000 sq ft, 1.38 acres, w/ 7 bedrooms and 4 full bathrooms

Pre-Application Information Form Submittal Checklist:

- Completed Pre-Application Information Form
- One PDF digital version of Concept Plan

For Internal Use Only:

Pre-Application Meeting Date: 7/19/22

Staff Printed Name: David Schlifka

Signed: David Schlifka

Vacinity Map

WINNETT COUNTY
PLANNING AND DEVELOPMENT
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8.2.2022

1058 Tullis Rd. Lawrenceville, GA. 30043



Return to:
O'Kelley & Sorohan, Attorneys at Law, LLC
2170 Satellite Blvd, Ste. 375
Duluth, GA 30097
File No.: 01-160898-REG

DEED B: 58315 P: 00818
01/27/2021 10:45 AM Pgs: 2 Fees: \$25.00
TTax: \$555.00
Tiana P Garner, Clerk of Superior Court
Gwinnett County, GA
PT-61 #: 0672021002429
RECORDED
eFile Participant IDs: 8274269752,

STATE OF GEORGIA
COUNTY OF GWINNETT

LIMITED WARRANTY DEED

THIS INDENTURE, made on 26th day of January, 2021, between

Wesley Prescott and Natalie Prescott

(hereinafter referred to as "Grantor") and

Michael Collins and Sumiko Collins, as joint tenants with rights of survivorship

(hereinafter referred to as "Grantee"), the words "Grantor" and "Grantee" to include the heirs, executors, legal representatives, successors and assigns of said parties where the context requires or permits; WITNESSETH:

THAT Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee,

All that tract or parcel of land lying and being in Land Lot 24 of the 7th District, Gwinnett County, Georgia and being more particularly described as follows: To find the true point of beginning, commence at the intersection of the Old Center Line of Tullis Road and the center line of Old Fountain Road; thence running 1,435.5 feet southeasterly along the Old Center Line of Tullis Road to a point; thence north 57 degrees 49 minutes 24 seconds east 31.2 feet to a 1/2 inch rebar set on the northeasterly right of way of Tullis Road (80 foot right of way); thence running along the northeasterly right of way of Tullis Road and following the curvature thereof, south 28 degrees 53 minutes 12 seconds east a distance of 189.01 feet to a point; thence running along the northeasterly right of way of Tullis Road and the curvature thereof an arc distance of 10.99 feet to a 1/2 rebar set (said arc having a radius of 8705.24 feet and bearing south 28 degrees 55 minutes 23 seconds east 10.99 feet) and being the true point of beginning. Thence leaving the right of way of Tullis Road, run north 58 degrees 52 minutes 29 seconds east 290.43 feet to a point; thence running south 28 degrees 10 minutes 00 seconds east 66.27 feet to a 1/2 rebar found; thence running south 28 degrees 10 minutes 00 seconds east 145.00 feet to a 1/2 inch rebar set; thence running south 61 degrees 04 minutes 43 seconds west 289.64 feet to a 1/2 inch rebar set; thence running along the northeasterly right of way of Tullis Road an arc distance of 200 feet to a 1/2 rebar set and the true point of beginning (said arc having a radius of 8705.24 feet and bearing north 29 degrees 37 minutes 02 seconds west 200 feet). Said property is further shown as tract "2" containing 1.378 acres, more or less, on a plat of survey dated June 10, 2002 by Norton & Associates Land Surveying, Jean G. Norton, Jr. Georgia R.L.S No. 2276 for Doris B. Sexton.

TOGETHER WITH all and singular the rights, members and appurtenances thereto (hereinafter collectively referred to as the "Premises"), the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of Grantee.

Subject to all easements, rights of way, and restrictive covenants of record (hereinafter referred to as the "Exceptions").

TO HAVE AND TO HOLD the Premises, subject to the Exceptions, to the only proper use, benefit and behoof of Grantee, forever, in FEE SIMPLE, and Grantor will, subject to the Exceptions, warrant and forever defend the right and title to the Premises unto Grantee against the claims of all person claiming by, through or under Grantor, but not otherwise.

RECEIVED BY

JAN 28 2021

SUP '21032