



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005

Planning Commission July 5th, 2022 / Mayor and City Council Meeting July 25th, 2022

GENERAL INFORMATION

Petition Number: SLUP-22-005

Applicant: Robert Peterson, dba Dapetenterprises

Owner: Robert Peterson

Project Location: 3935 Cain Mill Drive

District: District 1

Acreage: 0.49 acres

Existing Zoning: R-100 (Residential Medium Lot) District

Proposed Request: Special Land Use Permit to operate as a short-term rental.

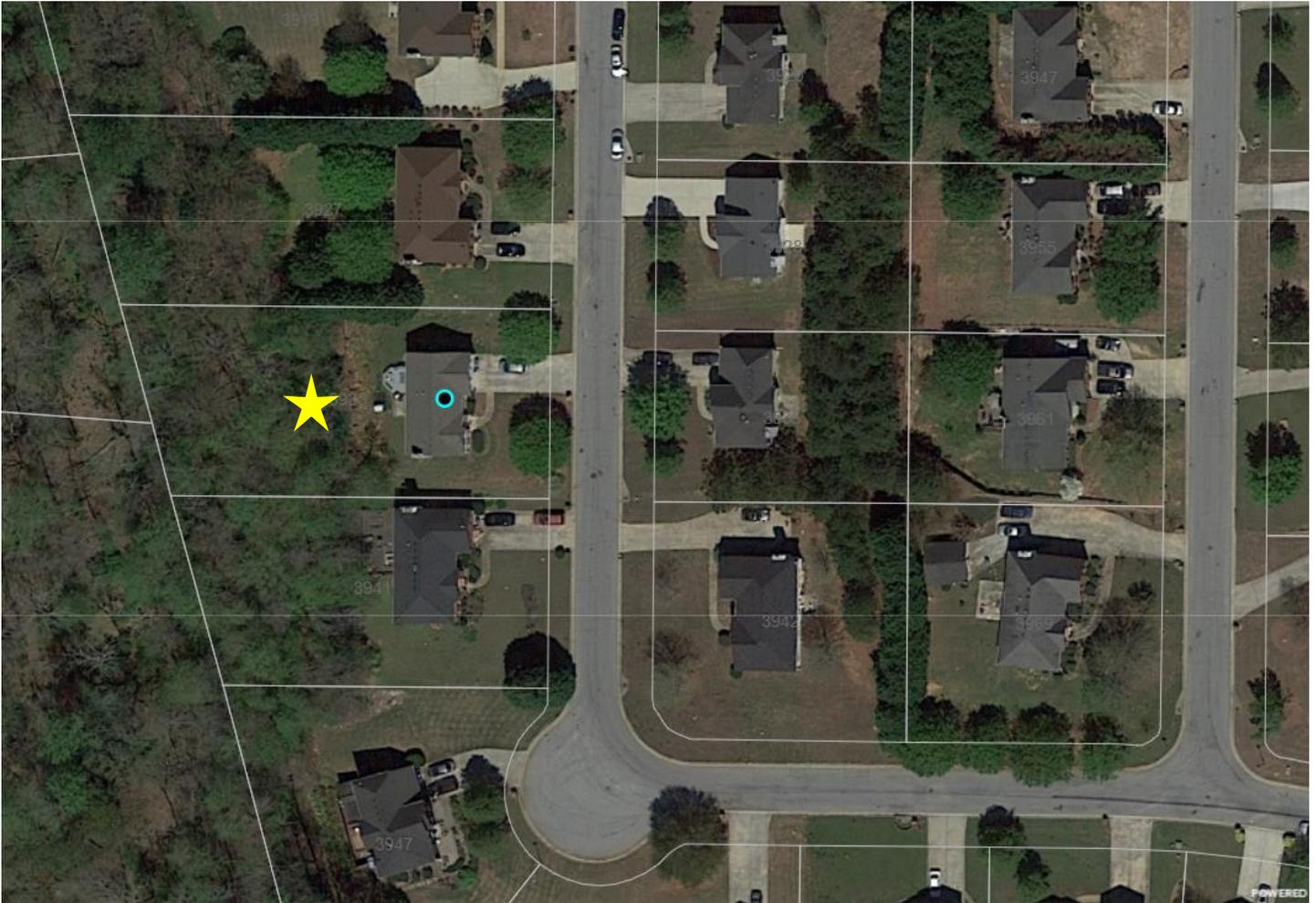
Comprehensive Plan Community: Suburban

Area Designation

Staff Recommendations: *Approved with Conditions*

Planning Commission: *Approval*

Aerial Map



ZONING CASE: SLU-22-005

ADDRESS: 3935 CAIN MILL DRIVE, LITHONIA, GA 30038

PARCEL NUMBER: 16 014 01 075

CURRENT ZONING: R-100 (RESIDENTIAL MEDIUM LOT)

FUTURE LAND USE: SUBURBAN



SUBJECT PROPERTY



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005

Zoning Map



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PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005



PROJECT OVERVIEW

Location

The subject property is located at 3935 Cain Mill Drive. The subject property is in the Burlington Subdivision. The property is bounded by residential development on all sides.

Description and Background

The subject property was constructed in 1999. It consists of a two-story, traditional frame house of 2672 square feet in size. It has 3 bedrooms and 2 ½ baths. The house is accessed via an apron concrete driveway fronting a two-car garage.

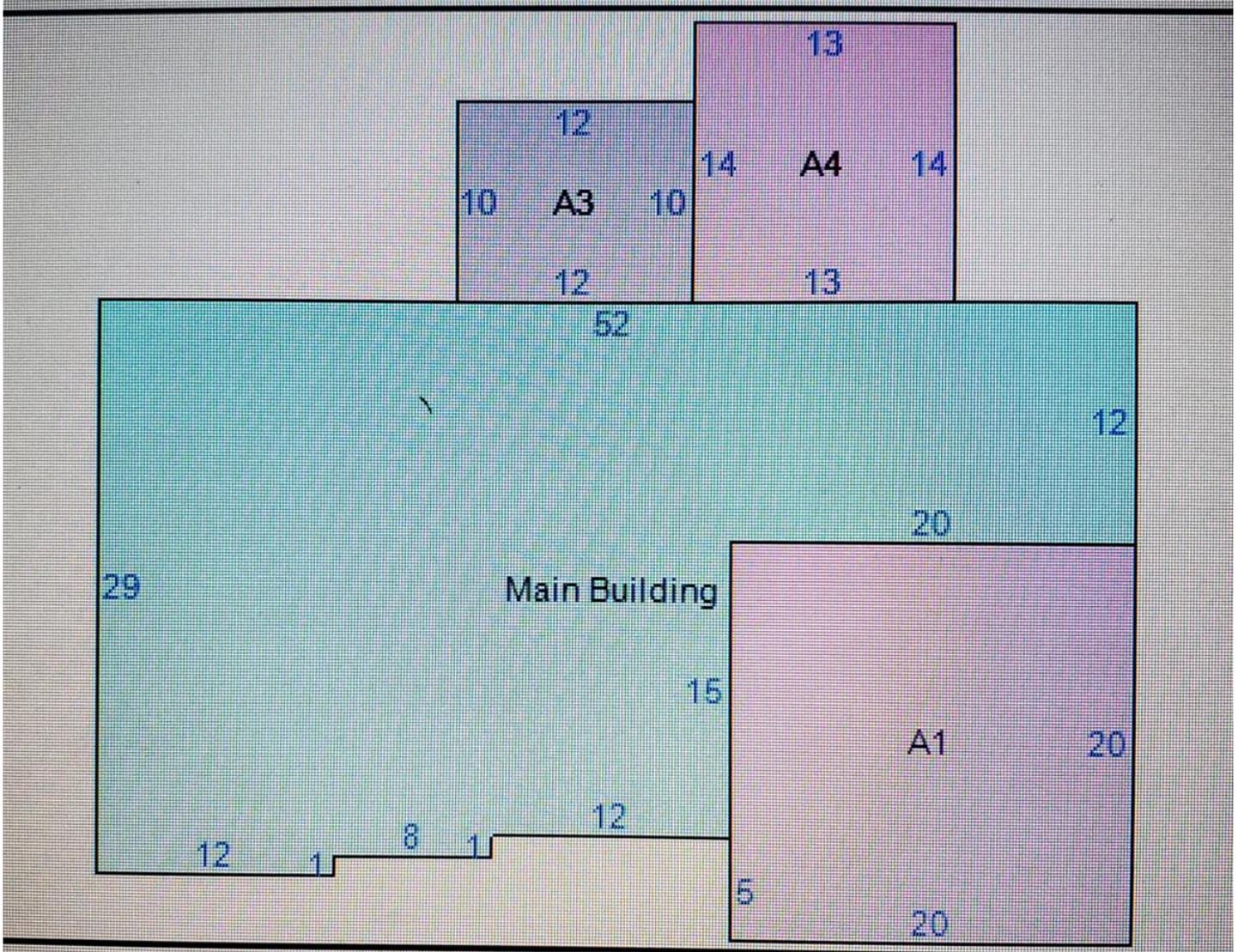
Currently, the property has kept its original zoning classification of R-100 (Residential Medium Lot) under Stonecrest Zoning Ordinance. The property was developed in part of a plan development for the Burlington Subdivision. e

Elevations



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005





PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005

Public Participation

Property owners within 1000 feet of subject property were mailed notices of the proposed rezoning in June. The community meeting was held on June 30th, 2022, at 6:00 pm at via zoom.com. No one was in attendance.

CRITERIA OF REVIEW

Section 7.4.6 of the Stonecrest Zoning Ordinance list nineteen factors to be considered in a technical review of a special land use permit completed by the Community Development Department and Planning Commission. Each criterion is listed with staff analysis.

- A. Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use, including the 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 2,672 square foot house on 0.49 acres is adequate for the operation of a short-term rental. The use will meet all other applicable requirements of the zoning district in which the usage is proposed.

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

The proposed use of short-term rental is located in a residential development. The proposed use will be compatible with other properties and land uses in the district.

- C. Adequacy of public services, public facilities, and utilities to serve the proposed use.**

There are adequate public services, public facilities, and utilities to sever the proposed use.

- 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 use proposed so as not to unduly increase traffic and create congestion in the area.**

Cain Mill Drive is classified as a local street, the staff does have concern the public road may not have enough traffic capacity for the proposed use and may cause traffic and congestion in the area.

- E. Whether existing land uses located along access routes to the site will be adversely affected by the vehicles' character or the volume of traffic generated by the proposed use.**

The existing land use located along the access routes to the site would not be adversely affected by the vehicles' character or the volume of traffic generated by the proposed use. Cain Mill Drive is designed to handle a low impact volume of traffic.



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005

- 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 a fire or another emergency.**

The site's existing residential structure is accessed by vehicles via a concrete apron cut with driveway on Cain Mill Drive. Emergency vehicles can access the site from the existing driveway.

- G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.**

The proposed use will not create an adverse impact upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use. The residential use will not change as the applicant will be operating as a short-term rental.

- H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**

The proposed use is not expected to create an adverse impact upon any adjoining land use because of the hours of operation. The property sits in an existing residential development.

- I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.**

The proposed use will not create an adverse impact upon any adjoining land use because of the manner of operation. The existing use as a residential dwelling will not change, only the occupancy will change monthly.

- J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

The proposed use is consistent with the zoning district classification requirement in which the use is proposed to be located.

- K. Whether the proposed use is consistent with the policies of the comprehensive plan.**

The proposed use of short-term rental is a use consistent with the policies of the comprehensive plan. Located in the Suburban character area, the character area policy states residential dwelling as an appropriate land use.

- L. Whether 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.**

The proposed use will not require a buffer zone and transitional buffer zone.

- M. Whether there is adequate provision of refuse and service areas.**



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005

The applicant will provide an adequate refuse and service area.

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

Staff believes there shall be a limit of one year of the special land use duration due to the historical nature of this use in a residential setting.

O. Whether 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 proposed use will not change any exterior design of the existing building. The current building is the appropriate size for the subject property and in relation to the size, scale, and massing of the nearby houses.

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

This use will not adversely affect any historic buildings, sites, districts, or archaeological resources.

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

The proposed use submitted to Staff has met all the requirements within the supplemental regulation Sec 4.2.58 set forth by the zoning ordinance.

R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

The subject property is existing and does not exceed the height of nearby residential structures. The existing building would be similar to the building height abutting the property located in the immediate area. 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 proposed use is compatible with the surrounding area and would not conflict with the overall objective of the comprehensive plan.



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005

STAFF RECOMMENDATION

Base on the findings and conclusions, it appears the applicant does meet all the criteria for approval. Therefore, Staff recommends *Approval of SLUP-22-005 with the following condition:*

1. The maximum overnight occupancy of a short-term rental shall be limited to two (2) persons for each bedroom, plus three (3) additional persons. The number of bedrooms shall be based upon the DeKalb County Tax Assessor's residential profile of the property, and other documents of record, as needed. In no case shall the maximum total occupancy for any dwelling unit exceed the occupancy limits permitted by the state and local fire and building codes.
2. Between the hours of 10 PM and 7 AM, the occupancy load of the unit may not exceed the maximum allowed number of overnight tenants.
3. Compliance with the Stonecrest Noise Ordinance.
4. All marketing and/or advertising for short-term rental units must contain information concerning the occupancy limit of the short-term rental unit, and the maximum parking available on the property. Advertising for more than the allowable occupancy or allowable parking is prima facie evidence of a violation of the city code. Further, failure to include such occupancy limits and maximum parking availability is prima facie evidence of a violation of the city code.
5. Short-term rental units must be properly maintained and regularly inspected by the owner or agent to ensure continued compliance with applicable property maintenance, zoning, building, health and life safety code provisions.
6. No external signage may be permitted on the property.
7. Parked vehicles:
 - Shall not be parked on the city right-of-way or along any roadways at any time; and
 - Shall be parked outdoors on the property only on designated hard surfaced areas with concrete or asphalt surfacing; and shall not be permitted outside such hard-surfaced areas (i.e., no parking in yards or neighbor's properties).
8. Short-term rentals in a single-family zoning district shall not have long-term leases or leases exceeding 30 days.
9. Capacity shall be subject to the approval of the Fire Marshal's Office



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005

10. If, during the first one year period, a short-term rental unit becomes in violation of any zoning, building, health or life safety code provision, the special land use becomes void at the completion of one year and the owner must demonstrate compliance with the applicable code prior to being eligible to reapply for special land use permit.