



TO: Mayor and City Council

FROM: Planning and Zoning Department

SUBJECT: SLUP23-011

ADDRESS: 5924 Fairington Farms Lane

DISTRICT: 3 – Councilwoman Alecia Washington

CYCLE MEETING DATES: December 14, 2023 (CPIM) | January 2, 2024 (PC) | January 22, 2024 (MCC)

Summary: Applicant is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

STAFF RECOMMENDATION: Approval with conditions

PLANNING COMMISSION RECOMMENDATION: Approval with staff conditions

PROPERTY INFORMATION	
Location of Subject Property: 5924 Fairington Farms Lane	
Parcel Number: 16 075 03 007	
Road Frontage: Fairington Farms Lane	Total Acreage: 0.22 +/-
Current Zoning: MR-1 (Medium Density Residential)	Overlay District: N/A
Future Land Use Map/ Comprehensive Plan: Suburban Neighborhood	
Zoning Request: Applicant is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.	
Zoning History: N/A	

APPLICANT / PROPERTY OWNER INFORMATION
Applicant Name: Michelle Fennell of Fennell's Daycare
Applicant Address: 5924 Fairington Farms Lane Lithonia, GA
Property Owner Name: Marjorie Fennell
Property Owner Address: 5924 Fairington Farms Lane Lithonia, GA

**PUBLIC PARTICIPATION
(CPIM)**

The CPIM (Community Planning Information Meeting) was held on December 14, 2023, at City Hall. There were approximately six (6) community members that sent comments via email to speak in favor of the petition. There wasn't anyone from the community that spoke in opposition to the petition.

DETAILS OF ZONING REQUEST

Since the city's incorporation, the site has been zoned MR-1 (Medium Density Residential). The subject property is currently development as a two-story single-family detached dwelling. The living square footage is approximately 3,138 square feet. The applicant is proposing to operate a Childcare Service which is classified as a Type II Home Occupation. The property has a frontage on Fairington Farms Lane. Staff research has found that there is a proposed daycare located at 5822 Par Four Court, Stonecrest, GA.

The city's land use policy document does support the proposed operation. The City of Stonecrest 2038 Comprehensive Plan has designated the parcel with the Suburban Neighborhood Zone land use designation. Suburban Neighborhood intends to recognize those areas of the city that have developed traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility.

Within Chapter 27 of the Zoning Ordinance, Section 4.2.31. (Home occupations and private educational uses) elaborates on the rules and regulations that applicants must abide by when operating home occupations and private educational uses. General requirements for Type II Home Occupations are:

- All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
 1. Customer contact is allowed for Type II home occupations.
 2. Up to two full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- All home occupations shall meet the following standards:
 1. There shall be no exterior evidence of the home occupation.
 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that

would be detectable beyond the dwelling unit.

3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
4. No more than 25 percent of the dwelling unit and/or 500 square feet, whichever is less, may be used for the operation of the home occupation.
5. No more than one business vehicle per home occupation is allowed.
6. No home occupation shall be operated so as to create or cause a nuisance.
7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3 and is limited to one business vehicle per occupation.
- Private educational services shall comply with home occupation standards and no more than three students shall be served at a time. Family members residing in the home are not counted towards the three students allowed.

ADJACENT ZONING & LAND USE

NORTH	Zoning: MR-1 (Medium Density Residential)	Land Use: Single-Family Dwelling
SOUTH	Zoning: MR-1 (Medium Density Residential)	Land Use: Single-Family Dwelling
EAST	Zoning: MR-1 (Medium Density Residential)	Land Use: Single-Family Dwelling
WEST	Zoning: MR-1 (Medium Density Residential)	Land Use: Single-Family Dwelling

PHYSICAL CHARACTERISTICS & INFRASTRUCTURE
The site is currently developed as a single-family dwelling.

SPECIAL LAND USE PERMIT ZONING CRITERIA
<ol style="list-style-type: none">1. 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;2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;3. Adequacy of public services, public facilities, and utilities to serve the proposed use;4. 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;5. 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;6. 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;7. 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 use8. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;9. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;10. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located;11. Whether the proposed use is consistent with the policies of the comprehensive plan;

12. 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;
13. Whether there is adequate provision of refuse and service areas;
14. Whether the length of time for which the special land use permit is granted should be limited in duration;
15. 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;
16. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources;
17. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit;
18. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height; and
19. 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.

RECOMMENDATION(S)
<p>Staff recommends APPROVAL with the following condition(s):</p> <ol style="list-style-type: none"> 1. Applicant must comply and remain in compliance with all International Building Code regarding care facilities within a dwelling; 2. No city permit for the operation of the childcare services shall be transferable; will only be permitted for the operator Michelle Fennell; 3. A City of Stonecrest business license is required shall be obtained; 4. No parking is permitted on the street or on lawn area of subject property; 5. A maximum of three (3) students shall be served at any time; 6. No signs other than those otherwise authorized within the applicable zoning district shall be

erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises);

7. No child shall remain at the subject property for no more than 12 (twelve) hours per day. The Applicant's hours of operation are 6:30 AM – 6:00 PM Monday – Friday; and
8. Play area shall be secured and fenced. Sharp items, BBQ Grills, or any other items that are not kid friendly shall be stored away and removed from the play area.

Attachments Included:

- **Code of Ordinance**
- **CPIM Minutes**
- **PC Meeting Minutes**
- **Future Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Site Photo**
- **Floor Layout**
- **Letter of Intent**

Sec. 4.2.31. Home occupations and private educational uses.

The following provisions apply to home occupations:

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning and zoning.
 - 1. The owner/operator of the business must reside on the premise.
 - 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
 - 1. Customer contact is allowed for Type II home occupations.
 - 2. Up to two full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations shall meet the following standards:
 - 1. There shall be no exterior evidence of the home occupation.
 - 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
 - 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
 - 4. No more than 25 percent of the dwelling unit and/or 500 square feet, whichever is less, may be used for the operation of the home occupation.
 - 5. No more than one business vehicle per home occupation is allowed.
 - 6. No home occupation shall be operated so as to create or cause a nuisance.
 - 7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
 - 8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one business vehicle per occupation.
- D. Private educational services shall comply with home occupation standards and no more than three students shall be served at a time. Family members residing in the home are not counted towards the three students allowed.
- E. Child care homes and personal care homes are considered home occupations and must adhere to these provisions in addition to Section 4.2.41.

(Ord. of 8-2-2017, § 1(4.2.31); Ord. No. 2021-06-04 , § 1(Exh. A), 8-23-2021)

COMMUNITY PLANNING INFORMATION MEETING MINUTES SUMMARY

Stonecrest City Hall- 6:00 PM *Spoke-in-Person Meeting

December 14, 2023

As set forth in the Americans with Disabilities Act of 1990, the City of Stonecrest will assist citizens with special needs given notice (7 working days) to participate in any open meetings of the City of Stonecrest. Please contact the City Clerk's Office via telephone (770-224-0200)

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing December 14, 2023. The Zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

I. Introductions: Director Shawanna Qawiy, Senior Planner Tre'Jon Singletary, Planner Abeykoon Abeykoon, and Planning Administrative Technician Cobi Brown were in attendance.

II. Presentations: Upcoming Cases Presented by Tre'Jon Singletary, Senior Planner

- **V23-007**
- **V23-008**
- **SLUP23-009**
- **SLUP23-011**
- **SLUP23-012**
- **RZ23-010**
- **TMOD23-007**

III. Presentations

Senior Planner Tre'Jon Singletary Presented **V23-007, V23-008, SLUP23-009, SLUP23-011, SLUP23-012, RZ23-010, and TMOD23-007**

Purpose and Intent

An informational meeting that allows staff and applicants to inform the public of upcoming developments/projects;

Allow the citizens, business owners, and developers of Stonecrest opportunities to review all petitions, ask questions of all applicants, and express any preliminary concerns;

Bridge the relationships between developers, residents, and staff

Occurrence

Every 2nd Thursday of each month

V23-007

3654 Salem Drive

Diva Thomas

Petitioner is seeking a variance to encroach into a stream buffer for the construction of an attached garage for an existing home.

Facts and Background

- The existing residential structure was built in 1987
- The Applicant desires to remove existing deck, extend existing driveway, and constructed a two-car garage
- The Applicant is requesting one (1) Variance relief

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

R-100 Residential med Lot

Submitted Letter of Intent

Letter of Intent

Diva Thomas
3654 Salem Drive
Stonecrest, GA 30038
10/22/2023

City of Stonecrest
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038

To whom it may concern,

I am writing to formally request a Stream Buffer Variance as per Chapter 14 of the Stonecrest Zoning Ordinance to construct a proposed attached two-car garage (not exceeding 529 sq ft or 23ft by 23ft) within the farthest buffer zone where multiple neighboring residential buildings are also located, either in this zone or closer to the stream. The garage will replace the existing deck, which currently encroaches approximately 25% into the farthest buffer. The proposed attached garage will occupy no more than 397 sq ft than the current existing deck, originally built with the house. To preserve the integrity of the area, we have ensured that there will be no encroachment closer than 50 feet from the only stream channel on the property.

Since the construction of the residential house in 1988, the year the new house was acquired by the current property owner, over half of the existing attached house decks have always been situated within the 75' buffer (zone 3). Additionally, at least three houses on the same street have structures located within buffer zones 2 and 3 (please refer to the attached photo images for reference). For instance, the house on the left when viewed from the street has structural elements within zone 3 of the buffer (as shown in the attached photo image, "H08"), and the house on the right of the property from the street view also has existing structures within buffer zones 2 and 3 (as seen in the attached photo image, "H06"). Hence, the neighborhood, in existence since the 1970s, with no HOA fees, has historically seen no issues related to building within these buffer zones. Moreover, our property has remained stable for over 35 years, even when the ground becomes saturated after storms. We are only seeking permission to construct within zone 3, the farthest buffer from the stream, to enhance safety by reducing vehicle theft concerns and improving the neighborhood's aesthetic appeal by decreasing the number of vehicles in the driveway. This, in turn, will contribute to minimizing energy consumption and reducing the carbon footprint associated with defrosting and cooling vehicles parked in the driveway, thereby promoting the upkeep of vehicles and safety on the roads.

The proposed construction within the farthest buffer will have minimal impact on water quality. The stream behind the house is relatively small, with shallow depths of between 3-6 inches on average with ~3 feet across, and a natural reservoir (approximately 30 ft across) never fills more than 25% capacity with stream water and runoff. This reservoir also boasts plant growth that aids in water absorption. We plan to enhance this natural water quality measure by adding more

plants to further mitigate water quality issues. Furthermore, there is no historical evidence to suggest that water from the stream has ever impacted or flooded the property.

Should the proposed garage structure not be allowed within the buffer, it would necessitate construction below the high, slanted driveway, increasing the risk of accidents such as vehicles accidentally driving into the new attached garage, especially during hazardous conditions like icy roads, slippery surfaces, intoxicated driving, inexperienced driver accidents, or theft attempts using vehicles. Thus, the alignment of the new structure, directly below the slanted driveway, would lead to safety concerns and poor visual cohesion for visitors, potential buyers, and neighbors, which could have detrimental effects on property values in the neighborhood.

As mentioned earlier, there is an existing reservoir acting as a natural water quality measure on-site, which remains dry for most of the year and has never filled beyond one-fourth of its capacity. If the requested variance is granted, we intend to enhance the site with better landscaping, stormwater management, eco-friendly stream flow improvements, tree planting, and/or growing native plants, etc. These enhancements will not only beautify the area but also contribute to effective water quality control.

The proposed improvements to the site have the potential to substantially enhance the house's character and benefit the surrounding area by allowing for better discharge mitigation, further reducing the likelihood of any negative water impact. The variance, if granted, will not result in excessive use of existing infrastructure, transportation facilities, or schools, nor will it have any adverse effects on the environment or surrounding natural resources.

Additional Site Information:

Nature of Request: Stream Buffer Variance

Property Details:

Name of Project/Subdivision: Residential Attached Two-Car Garage Project / Old Salem Woods Subdivision

Property Address/Location: 3654 Salem Drive, Stonecrest, GA 30038

District: 4

Land Lot: R-100 – Residential Med Lot

Block: E

Property/Parcel ID: 16 052 05 016

Campaign Disclosure: No

Legal description including a narrative of the metes and bounds:

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 52 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING LOT 16, BLOCK E, OLD SALEM WOODS, SECTION ONE AND TWO, UNIT ONE, AS SHOWN AT PLAT BOOK 63, PAGE 142 [See "H15" for attached map site document], DEKALB COUNTY RECORDS, WHICH PLAT IS REFERRED TO AND MADE A PART OF THIS DESCRIPTION, BEING IMPROVED PROPERTY WITH A RESIDENCE LOCATED THEREON KNOWN AS 3654 SALEM DRIVE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY SHOWN ON SURVEY PREPARED BY PATRICK AND ASSOCIATES, INC., DATED JANUARY 28, 1988.

We request that you consider our application and grant the necessary variance. We are committed to adhering to the requirements and ensuring that the proposed variance is consistent with the embodiment and purpose of Chapter 14 and the City of Stonecrest Comprehensive Plan.

Should you require additional information or have any questions regarding our application, please do not hesitate to contact at [REDACTED] or [REDACTED].

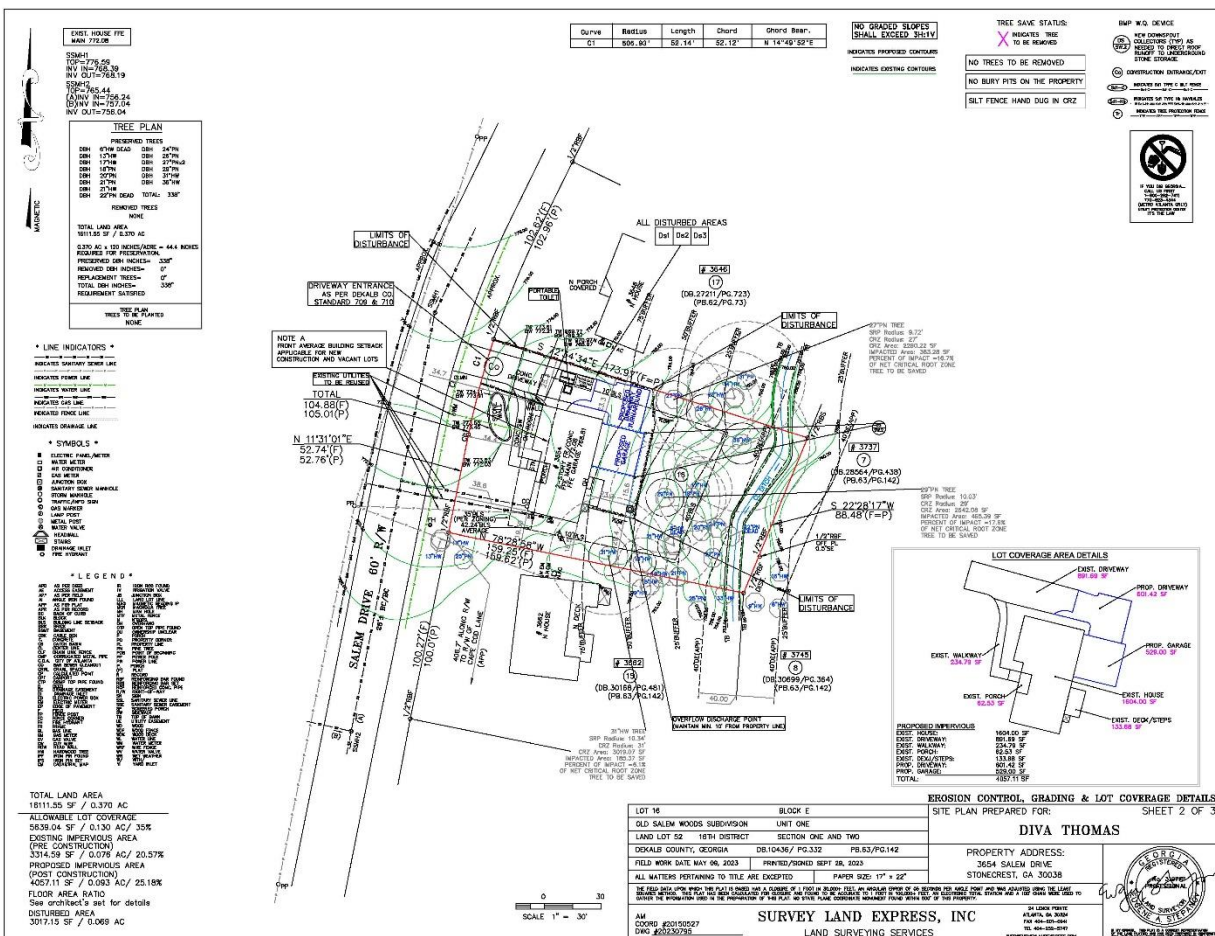
Please feel free to reach out at any time with your questions or thoughts, and we eagerly await your response.

Thank you for your attention to this matter. We sincerely appreciate your consideration of our request.

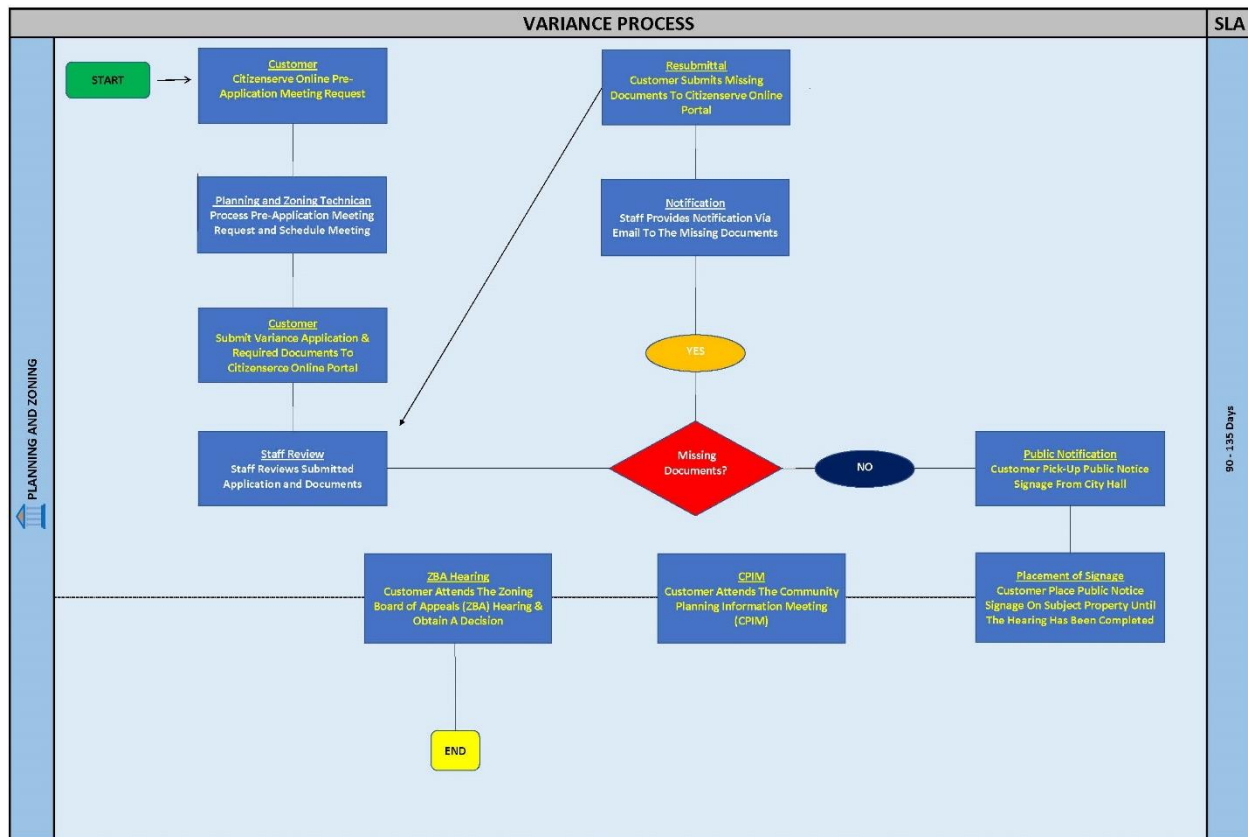
Sincerely,

Diva Thomas
3654 Salem Drive
Stonecrest, GA 30038

[REDACTED]
[REDACTED]



- Chapter 14 | Article 7 | Sec. 14-543



Diva Thomas the applicant came to the stand. She stated that three other neighbors have encroached into the stream. She also mentioned that the stream is about 6 inches.

There were no attendees to speak for or against the petition.

The next meeting for this applicant's petition will be the Zoning Board of Appeals which will be held on January 16, 2024

V23-008

2985 Turner Hill Road

Danielle Sheridan of Interplan, LLC

Petitioner is seeking a variance for the drive-thru of the proposed reconstruction of the Chick-Fil-A.

Facts and Background

- The existing Chick-Fil-A (CFA) has been in operating since 2018.
- The CFA has frontage on Turner Hill Road
- The Applicant is requesting four (4) Variances relief

Future Land Use/Character Area

Regional Center

Zoning Map - C-1 Local Commercial

Overlay District Map- Stonecrest Overlay - Tier 1

Submitted Letter of Intent



220 E. Central Pkwy, Ste 4000
Altamonte Springs, FL 32701

407-645-5008
interplanllc.com

November 6, 2023

City of Stonecrest
Planning and Zoning Department
3120 Stonecrest Boulevard, Suite 190
Stonecrest, GA 30038

Reference: Chick-fil-A #1217, Turner Hill
Interplan Number: 2022.0675
2985 Turner Hill Road, Stonecrest, GA 30038

To Whom It May Concern,

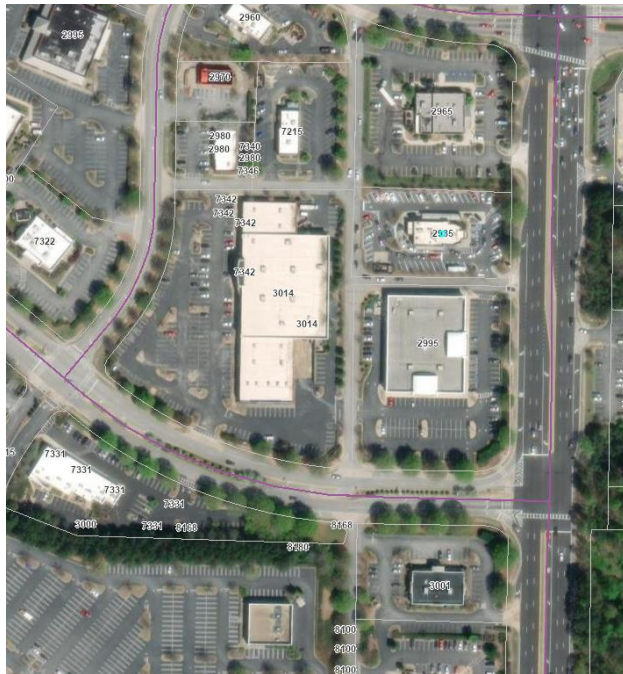
Chick-fil-A is proposing the demolition of an existing ±3,873sf Chick-fil-A drive-thru restaurant for the construction of a new 4,864sf Chick-fil-A drive-thru restaurant with associated site work for a completely new parking and drive-thru orientation specifically designed to increase on-site stacking and the overall efficiency of the site. In addition, the installation of a new freestanding Face to Face (F2F) canopy with two (2) menu boards is proposed for ordering and a larger Order Meal Delivery (OMD) canopy attached to the building over the pick-up window is proposed which will provide team members protection from the elements while onsite taking and fulfilling multiple orders at a time. These modifications, in combination with a brand-new, state of the art kitchen, designed to get food out to the drive-thru faster will all work together to increase the efficiency of the drive-thru, thus reducing traffic congestion and off-site stacking.

As part of the redevelopment, the following variance requests to the City of Stonecrest's Zoning Ordinance regulations will be required:

- Requesting relief from Article 4. Use Regulations, Sec. 4.2.23. Drive-through facility C, due to the drive-thru lanes located on the front of the building.
- Requesting relief from Article 4. Use Regulations, Sec. 4.2.23. Drive-through facility I.C, due to the lack of a by-pass lane.
- Requesting relief from Article 4. Use Regulations, Sec.4.2.2. C Yard and setbacks 1., due to the accessory structures (canopies) located in the side yards.
- Requesting relief from the Stonecrest Overlay Design Guidelines dated May 2008 requiring a minimum of fifty percent (50%) fenestration for the length of the building frontage.

Further justification for the variances and responses to specific conditions as per Sec. 14-444 of the City's code has been provided on the following pages as per specific criteria set forth by the City of Stonebridge.

Aerial Map and Site Photos



Submitted Site Plan

Chapter 27 | Article 4 | Division 2 | Sec. 4.2.23

Sec. 4.2.23. - Drive-through facility, restaurant.



All drive-through facilities must comply with the following:

- A. Drive-through facilities shall not be located within 60 feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property, unless part of a mixed use development.
- B. No drive-through facility shall be located on a property less than 10,000 square feet in area, unless part of a mixed use development. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in [article 6](#) of this chapter.
- C. Drive-through lanes and service window serving drive-through lanes shall only be located to the side or rear of buildings.
- D. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- E. Speaker boxes shall be directed away from any adjacent residential properties and shall require masonry sound attenuation walls with landscaping or other speaker volume mitigation measures. Speaker boxes shall not play music but shall only be used for communication for placing orders.
- F. All lighting from drive-through facilities shall be shaded and screened so as to be directed away from any adjacent residential properties.
- G. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten feet wide and 25 feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the pick-up window).
- H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three stacking spaces for each window or drive-through service facility.
- I. The following general standards shall apply to all stacking spaces and drive-through facilities:
 - a. Drive-through lanes shall not impede on- and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
 - b. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
 - c. All drive-through facilities shall include a bypass lane with a minimum width of ten feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.
 - d. Drive-through lanes must be set back five feet from all lot lines and roadway right-of-way lines.
 - e. Owner and operator are responsible for daily litter clean-up to ensure the property remains free of trash, litter, and debris.
 - f. Drive-through restaurants shall not be located within 500 feet of an elementary, middle, or high school.
 - g. Drive-through restaurants located in activity centers require a special land use permit. In all other character areas a special land use permit is required unless the facility can meet at least two of the following criteria:
 - i. Facility is located within 400 feet of an intersection of a major arterial street and a major or minor arterial street, or within 1,000 feet of an interstate highway interchange do not require a special land use permit.
 - ii. Facility is accessible only through interparcel access or through a shared driveway.
 - iii. Facility is part of a major redevelopment, as defined in section 27-8.1.1.6.
 - h. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.

Chapter 27 | Article 4 | Division 2 | Sec. 4.2.2

Sec. 4.2.2. - Accessory buildings, structures and uses; location, yard and building restrictions.

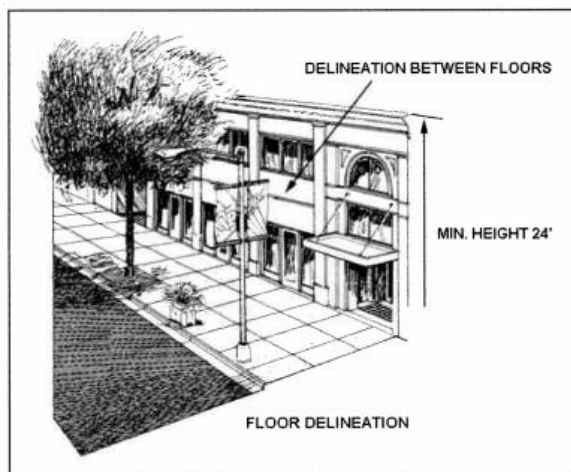


The following provisions apply to accessory buildings, structures, and uses of land that are incidental to authorized and permitted uses:

- A. All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the same lot as the principal buildings to which they are accessory.
- B. All accessory structures in which effluent is produced shall be connected to water and sewer if the primary structure is connected to water and sewer.
- C. Yard and setbacks.
 1. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of ATM bank machines which are also allowed in the front or side yard.
 2. Accessory structures must not encroach in the minimum yard setbacks for the district in which they are located.
 3. Accessory buildings or structures shall meet the minimum side yard setback for the district or ten feet, whichever is less, and shall not be located closer than ten feet to a rear lot line in any district.
 4. Basketball goals attached to the principal residential structure or erected adjacent to and abutting the driveway of the principal residential structure shall be allowed in the front yard but not within the right-of-way of a public street. No basketball goal shall be erected in such a manner that the play area for the basketball goal is located within any portion of a public right-of-way.
 5. Additional supplemental regulations in this article regarding minimum yards and setbacks for specific accessory buildings, structures, or uses of land may also apply.
- D. Corner lot, rear yards. Where the rear yard of a corner lot adjoins the side yard of a lot in a residential district, no accessory building or structure shall be located closer than 15 feet to the rear property line and no closer to the side street right-of-way line than the principal building.
- E. Materials. Accessory structures that are buildings or sheds shall be constructed out of a material similar to the principal structure.
- F. No accessory building or structure in a nonresidential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.
- G. Where an accessory building or structure is attached to the principal building by a breezeway, passageway or similar means, the accessory building or structure shall comply with the yard setback requirements of the principal building to which it is accessory.
- H. Setbacks for swimming pools, as accessory structures in a residential district, shall be measured from the edge of the decking to the applicable property line. No part of the decking for an accessory swimming pool shall be within five feet of a side or rear property line.
- I. Except as expressly provided elsewhere in this chapter, an accessory structure shall be limited to the lesser of 24 feet in height or the height of the principal structure, whichever is less.
- J. The floor area of an accessory buildings that is accessory to a single-family, two-family, or three-family residential structure shall not exceed the maximum floor areas set forth in Table 4.2, below.

Stonecrest Overlay District Design Guidelines

Exhibit 16: Architectural Delineation



3. Building facades and fenestration
 - a. For the purposes of this document, fenestration includes all glazed areas including, but not limited to storefront windows, display windows and doors containing glazed panels at least four feet in height.
 - b. Street-fronting non-residential building facades shall meet the following sidewalk level requirements:
 - i. The length of façade without intervening fenestration or entryway shall not exceed 30 feet. See Exhibit 17.
 - ii. A minimum percentage of fenestration of 50% shall be provided for the length of the building frontage. For buildings that front two or more streets, said minimum percentage is only required along one such street frontage. See Exhibit 17.
 - iii. All fenestration shall:
 - a.) Begin at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk, or
 - b.) Begin at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk or
 - c.) Begin at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk. See Exhibit 17.

Philippe Reyes a project manager of this petition came to the stand.

There were no attendees to speak for or against this petition. The next meeting for this applicant is Zoning Board of Appeals to be hosted on January 16, 2024

SLUP23-009

3309 and 3313 Panola Road

Darrell Johnson of JDM Consultants, LLC on the behalf of CCC Christ Gospel Parish

Petitioner is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.

Facts and Background

Applicant is proposing to operate a Place of Worship (POW) at subject property

The POW will be approximately 10,500 sq ft

The POW will have approximately 300 seats

Total acres is 3.7 +/-

Vacant/undeveloped land

Council requested petition to go through full cycle during the November's Council Meeting

Future Land Use/Character Area

Suburban Neighborhood

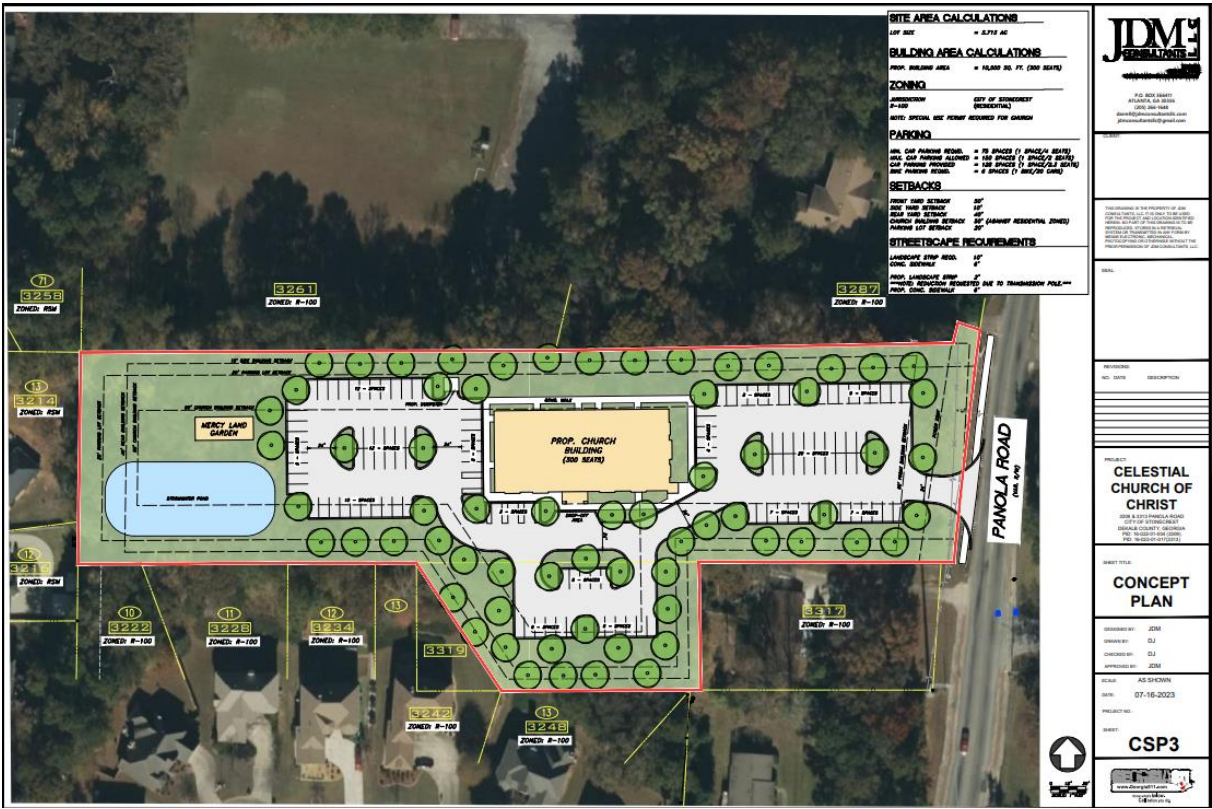
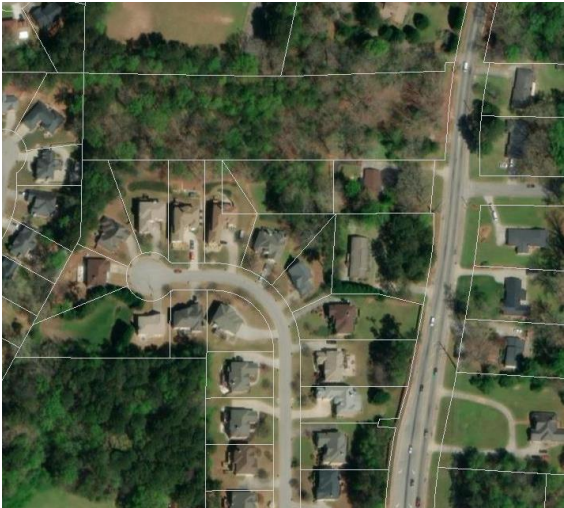
Zoning Map

R-100 -Residential Medium Lot

POW Permitted Zoning Districts

		KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from Planning and Zoning Director SP - Special land use permit (SLUP)													
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	P	P	P	P	P	P	P	P	P	P	✓

Aerial Map



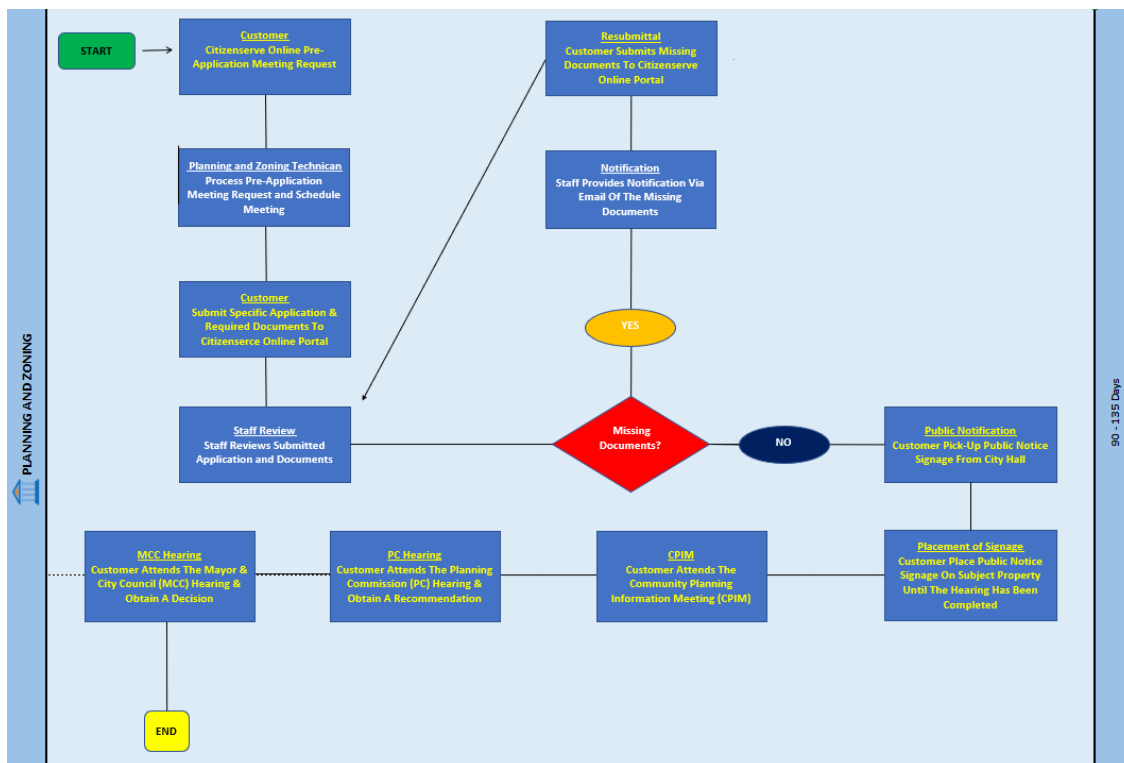


Sec. 4.2.42. – Places of Worship, Convents; Monasteries; Temporary Religious Meetings

The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least 50 feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than 20 feet for a side-yard and no less than 30 feet for a rear-yard.
- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.
- C. The parking areas and driveways for any such uses shall be located at least 20 feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three acres and shall have frontage of at least 100 feet along a public street.
- E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.
- F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

Special Land Use Permit



Micheal Ajebodi a member of the church came to the stand. He stated that instead of the proposed church having enough space to fill 300 seats they would accommodate up to 150. The church currently has around sixty members including children. They want to build this church because the current space where they hold worship is too small and too close to the road. They are very concerned about the children who may run into the road and also want them to have their own space in the current facility.

Once a year they have a conference/ festival and invite family and friends. When they set up the tents, they are too close to the road and not safe.

During the mid-week services there are usually only around five people that attend. They took the traffic concerns into consideration.

Tre'Jon Singletary the senior planner asked for clarification of the amount of seats the church is proposing to have.

Micheal Ajebodi stated that it will be 150 max

Tre'Jon Singletary stated that they will need to send an updated letter of intent stating the updated amount seats

There were some attendees to speak for and against the petition.

Marty Adewale a pastor of the church came to the stand. He stated that they are an African Church and that because of this many may not come running to attend. The attendees also are called spiritually to attend.

Trejon Singletary asked if the layout and site plan had changed considering the decrease in the seating.

Marty Adewale stated that is has not

Ronald O'neal Jr came to the stand to speak against the petition. He stated that he owns the property (a lot) that is behind his house located and by the proposed land for the church, 3319 Panola Rd. His lot is landlocked. He had plans to build on that parcel but if the church is developed, he will not be able to access the property. He wanted to know how they got so far in the process.

Tre'Jon Singletary the senior planner stated that they were able to get this far into the process because they turned in their property owner affidavits and if the project were to be approved staff will work internally with the city engineer to discuss how he could get access to the property.

Lewis Andrson president of the Hilson head homeowner association came to the stand to speak against the petition. He stated that 3319 Panola Rd by law is supposed to have a clear path to Panola Rd. He stated that the plats are mislabeled on the site plan.

Tre'Jon Singletary reiterated that the church is currently only trying to get approval for the usage of the land

Wesley Mitchell a resident of the neighborhood near the subject property stated he was concerned about how close the land runoff and development will be to his land.

Donna Deaves who is a resident of Stonecrest stated that the reason why she was late for this meeting is because there was an accident on Panola Rd. There has been many accidents because of the way the road was developed and traffic. They have to "take a chance" when trying to exit their neighborhood if there isn't an officer there. Not opposed to growth, but she wants the community to be safe.

Rev Dr Deborah Holloway pastor of the United Methodist Church stated that this proposed church will be 108 total walking steps from her existing church. She asks for the plans to be reviewed and that the livelihood of the people who currently reside in this community will not be changed.

James Lions resident of Stonecrest came to the stand and was concerned about safety. He stated that the traffic is very bad and we should look at the projection of growth

Tre'Jon Singletray called Micheal Ajobodi back to the stand for a rebuttal and asked if there was a traffic study done on the property.

Micheal Ajobodi stated that he did not have the information at the moment and that he would get with his consultant about the study

He also insured James Lions that the church is not trying to disrespect him and that he would like to contact him about the issue.

The applicant's next meeting is the Planning Commission which will be hosted on January 2nd 2024

SLUP23-011

5924 Fairington Farms Lane

Michelle Fennell of Farms Lane

Petitioner is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

Facts and Background

- The existing dwellings is approximately 3,138 square foot
- Four (4) bedrooms and 2.5 baths
- A maximum of three (3) children per the code

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

MR-1 - Medium Density Residential

Aerial Map and Site Plan



Submitted Site Photos





Sec. 4.2.31. – Home Occupations and Private Educational Uses

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning and zoning.
 - 1. The owner/operator of the business must reside on the premise.
 - 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
 - 1. Customer contact is allowed for Type II home occupations.
 - 2. Up to two full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations shall meet the following standards:
 - 1. There shall be no exterior evidence of the home occupation.
 - 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
 - 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
 - 4. No more than 25 percent of the dwelling unit and/or 500 square feet, whichever is less, may be used for the operation of the home occupation.
 - 5. No more than one business vehicle per home occupation is allowed.
 - 6. No home occupation shall be operated so as to create or cause a nuisance.
 - 7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
 - 8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with [section 6.1.3](#), and is limited to one business vehicle per occupation.
- D. Private educational services shall comply with home occupation standards and no more than three students shall be served at a time. Family members residing in the home are not counted towards the three students allowed.
- E. Child care homes and personal care homes are considered home occupations and must adhere to these provisions in addition to [Section 4.2.41](#).

Michelle Fennel the applicant was called to the stand. She stated that she has been operating her daycare for around 17 years. She also mentioned that she is licensed by the state and quality-rated.

There were no attendees who spoke for or against the petition, but there were several letters that were sent to the department.

Dear Planning and Zoning Administrators,

I am writing this letter in support of Fennell's Daycare operated by Ms. Michelle Fennell. I am the current homeowner of 5937 Fairington Farms Ln., steps away from her home and facility. Ms. Fennell was the first person that I met when I bought and moved into my home. She has been a wonderful neighbor that raised her children, looked out for other neighbors and has been a staple in this community. It is very evident that Ms. Fennell is a wonderful and caring daycare provider by the number of children that she has cared for over the 17 + years that she has been in operation. Time and time again I have witnessed former children return to say hello to Ms. Fennell. They never miss an opportunity to visit her home, especially for holidays like Halloween. I often watch children leave her home singing and happy in the afternoon. Children are always the first indicators of who a person is and how they are treated. As an educator, it is very important that children feel secure and safe in the care of a responsible adult.

This is very evident that Fennell's Daycare does exactly this, therefore, granting this facility, Michelle Fennell, her Special Land Use Permit will provide the parents of this Fairington Farms community, a safe and secure place to leave their children, as parents go out to provide for their families. In closing, when parents pick up their children in the afternoon, her facility does not intrude or disrupt the flow of traffic in the community.

I implore you to grant Fennell's Home Daycare her permit to continue to provide this community with the professional service she has given for many years.

Respectfully,

Jennifer Francis

5937 Fairington Farms Ln

To Whom It May Concern,

I am writing this email to advocate keeping Michell Fennell's Day care in operation without any interruption. I have been Ms. Fennell's neighbor at Fairington Farms subdivision since 2016. I live right across the street from her. She has never caused any issues of any kind operating her day care. She is the kind of neighbor that you would want next to you. She is heaven sent keeping me informed about your neighborhood and such a blessing to have known through the years. She is very kind and professional. She deserves to have her self-employment to continue without any pause in the service she provides to our community. She has had kept my grandkids in her home in the past. There are parents that depends on her. She was there for me when I needed her, so I know the importance of her staying in business. Please accept my plea to keep her in operation, she deserves this! Thanks for this consideration.

Velda Clark -5925 Fairington Farms Lane

Date: December 5, 2023

To: Stonecrest Planning and Zoning

Re: Fennell Daycare

I have lived in the Farrington Farms Subdivision for 19 years. As far as I can remember, the Fennell Daycare has been in existence. In the morning, as I watch the parents drop their children off, it brings back memories of when I was a young parent.

Nothing is better than the feeling of security and trust that your child is being properly cared for. Children have gone to this daycare from infancy. Later in life, many return to visit to show appreciation for the positive memories, Michelle, the owner gave them. These memories will last forever. Her daycare gave them a head start in so many ways- early socialization, development of sharing skills, team work, self-expression just to name a few. This was all in a supervised safe environment.

It is proven that the social and emotional benefits of daycare are long lasting. Getting used to routines and schedules, help the children develop good habits. I would have loved to have started my early development in a community daycare. It would have allayed the fear I had when I started Elementary School.

In conclusion, daycare provides development benefits for children. It allows their parents the ability to work and continue their careers knowing that their children are in a safe environment. Fennell's Daycare is an asset to the community and I hope to see it continue to help shape the lives of our youths for many years.

Respectfully,

Anita Merkersen R.N.

Good afternoon,

My name is **Andrea Isaacs Edwards**. I live at 6032 Fairing Drop/in the Fairington Farms subdivision. I am a home owner that lives around the corner from Ms. Michelle Fennell. She is an upstanding citizen in the community. She always takes care of her property and she maintains her lawn and her surrounding area of her house immaculately. You never see kids or others hanging around her house and never see people randomly going in and out of her house. She has offered food that she has grown from her garden and is always there to lend a friendly ear. My daughter has used her service for her children and has been fortunate to have a great relationship with her.

I am writing you today to ask that she keeps her daycare. There are some mothers that could not do it without her. She helps many mothers that are looking for a safe and clean place to leave their kids, while they are working. Please let me know if you have any questions or concerns. My phone number is 678-910-0517.

Respectfully,

Andrea Isaacs-Edwards

To Whom it May Concern,

Regarding, Michelle Fennell, owner of Fennell Daycare, I am her neighbor across the street. Since we've been in the neighborhood, Michelle has always been a kind, quiet and considerate neighbor. We are in full support of her operating her business from her home. In fact, we have even inquired about care for our small children at one point in time! It appears she runs a very orderly, professional and safe environment for the children.

We ask that you take this letter into consideration to grant Michelle Fennell her business license.

Thank you for your time,
Jasmine Eldridge
(neighbor)

The applicant's next meeting will be Planning Commission on January 2, 2024

SLUP23-012

4083 Spencer Lane

Natnael Mammo

Petitioner is seeking a Special Land Use Permit (SLUP) to operate a short-term vacation rental

Facts and Background

- Property is undeveloped
- The Applicant must submit a residential building permit and obtain a business license prior to operating

Future Land Use/Character Area

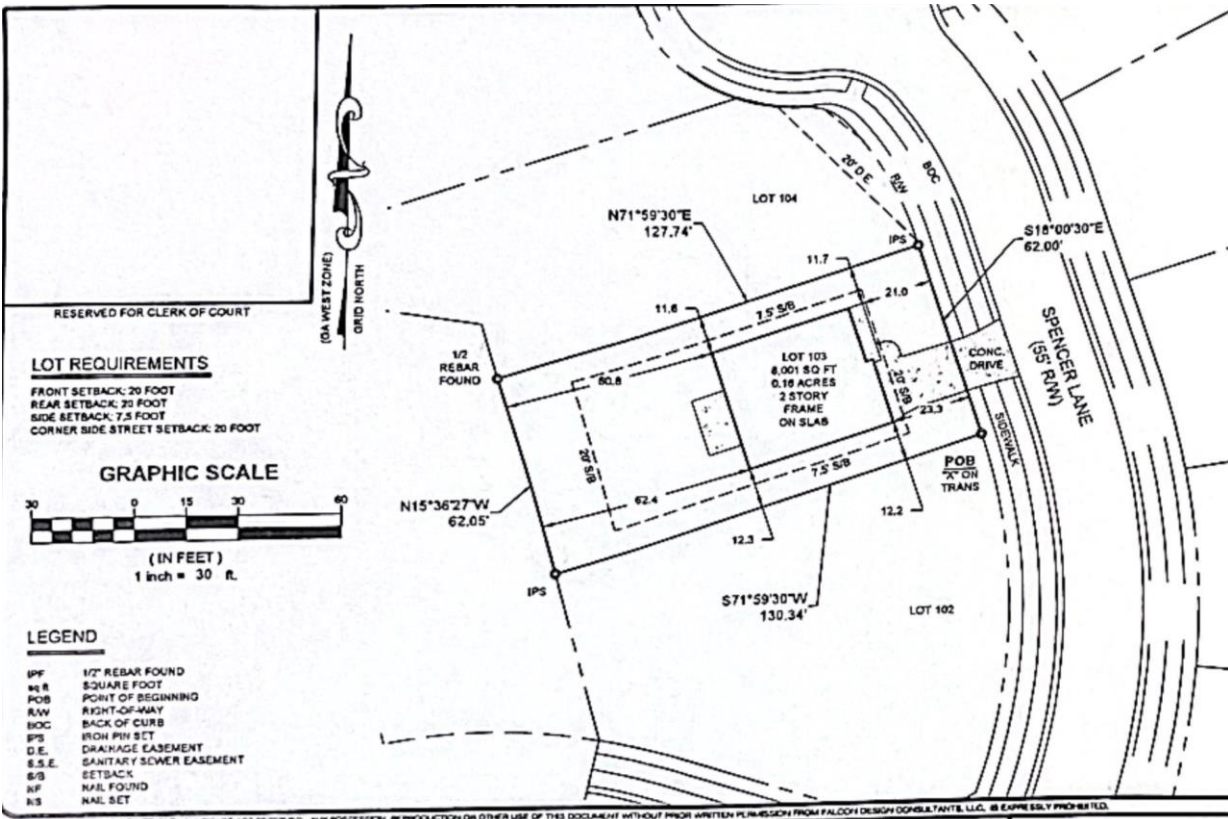
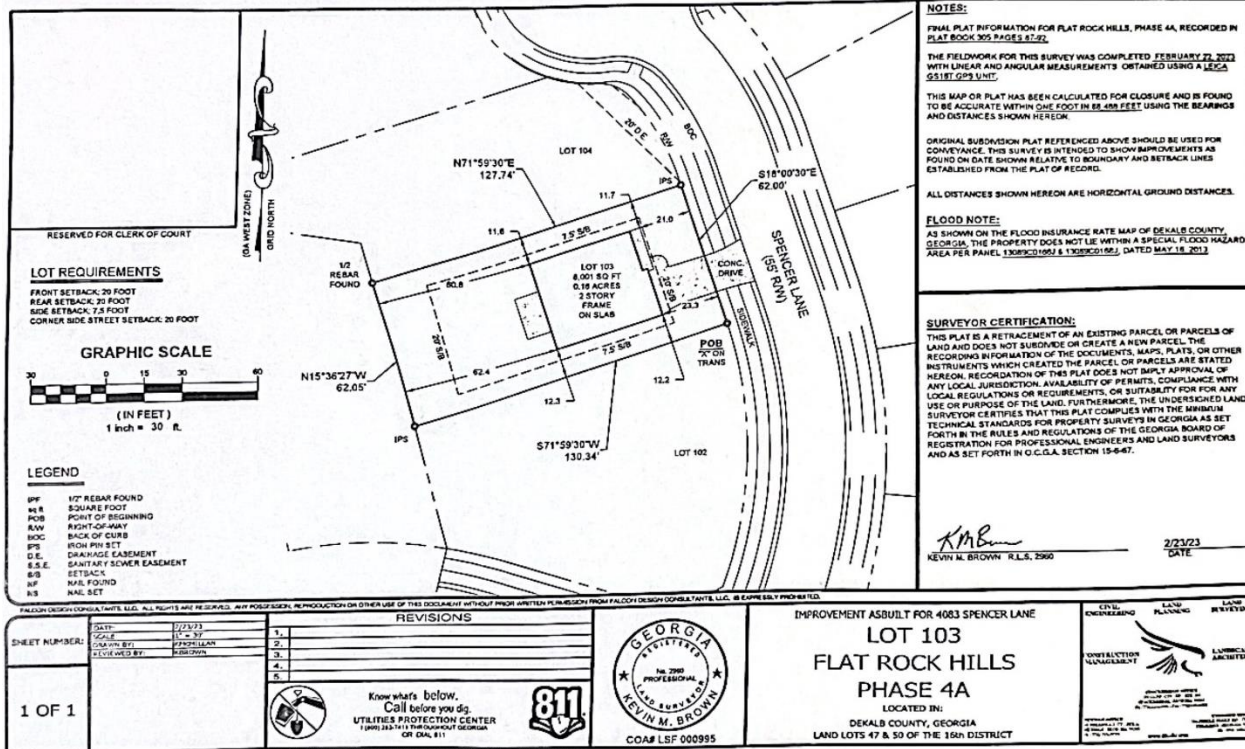
Suburban Neighborhood

Zoning Map

R-100 - Residential Medium Lot

Aerial Map and Submitted Site Plan





Sec. 4.2.58. – Short Term Vacation Rental

- A. No individual renting the property shall stay for longer than 30 consecutive days.
- B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
- C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every Bedroom shall have a window facing directly and opening to the outdoors.
- E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.
- I. A diagram depicting two eviction routes shall be posted on or immediately adjacent to every required egress door.
- J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.
- K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 500 feet of another STVR, bed and breakfast, boarding house, Home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

Abel Walker the applicant's representative came to the stand. He stated that it will be a rental and that they will do anything in their power to ensure that the neighbors are not disturbed.

There were none to speak for the petition but many to speak against

Kathy Turner a resident of the neighborhood came to the stand asking for denial. She wants the neighborhood to stay within the covenant and mentions that there is a petition going around that will have a majority of the neighborhood's residents' signatures on it. She also exclaimed that there have been several occasions where people have rented out the property and caused a disturbance. The street has been destroyed by the renters who were doing donuts (with their car) and one asking for drugs.

Cynthia Muscle president of Flat Rock Hills association came to the stand. She stated that the covenants prohibit anything less than a six-month rental. Police have been called to this home several times. Asked for the HOA's rights to be defended.

Sandra Owens a resident of the neighborhood came to the stand. She has seen the donut holes and random people and it makes her uncomfortable. She has lived near an Airbnb before and it was not a good experience. Asks to let the HOA run this situation.

Gerald Cosley resident of the community for seven months stated that this is a family-oriented community and asks for it to be kept that way

Tremaine Biles a resident of the neighborhood stated that he has small children and that the events make the neighborhood look bad. The agreement stated that there should be no Airbnbs

Rasheed Ali Maonsour a resident of the neighborhood came to the stand. He is against the project. He stated that the Airbnb is already operating without a permit.

JJ Porter a resident of Stonecrest came to the stand to state his opposition. He witnessed the person doing the donuts in the neighborhood. The neighborhood does not need that and he enjoys peace and happiness.

Karan Murray, a resident of Stonecrest came to the stand to state his opposition to the project. There have been many to come to their property and vandalize and destroy it resulting in higher HOA fees.

Alexis Brown a resident opposes this project. She stated that you do not really know who is renting out the home and they do not want random people around the children of the neighborhood.

Jimmy Glover who lives across the street from the proposed short-term rental stated that he is also opposed. The renters do not have a concern for the people who live there.

Abel Walker the applicant came back to the stand to apologize for all of the events that have occurred.

RZ23-010

6039 Hillandale Drive

Helen Simpson of Lowe Engineers

Petitioner is seeking to rezone property for the expansion of an existing cemetery.

Facts and Background

- Property is undeveloped
- The Applicant desires to combine subject property with adjacent property (6201 Hillandale Dr) to continue the operation of a cemetery
- 5.49 +/- acres of land
- Desires to rezone to R-100 to align zoning with adjacent property

Future Land Use/Character Area

City Center

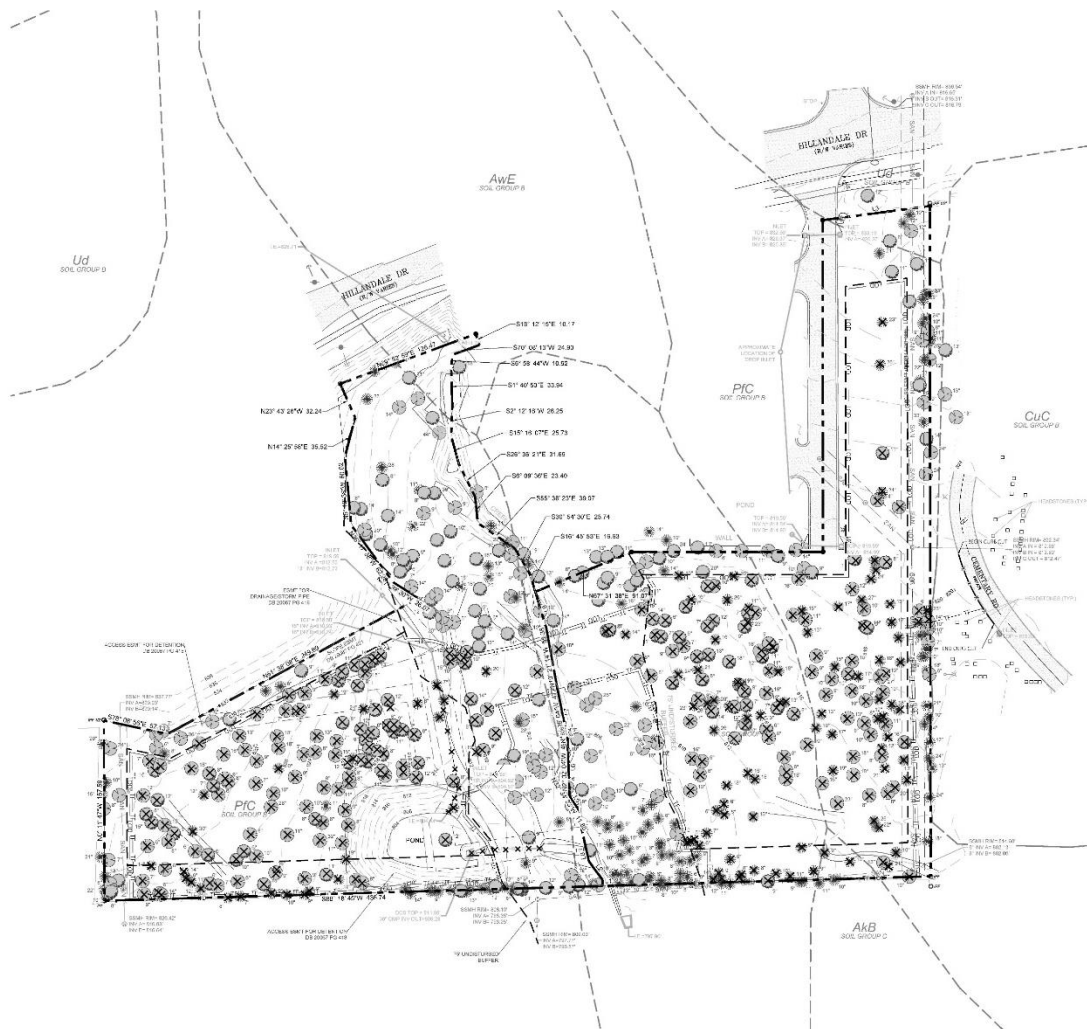
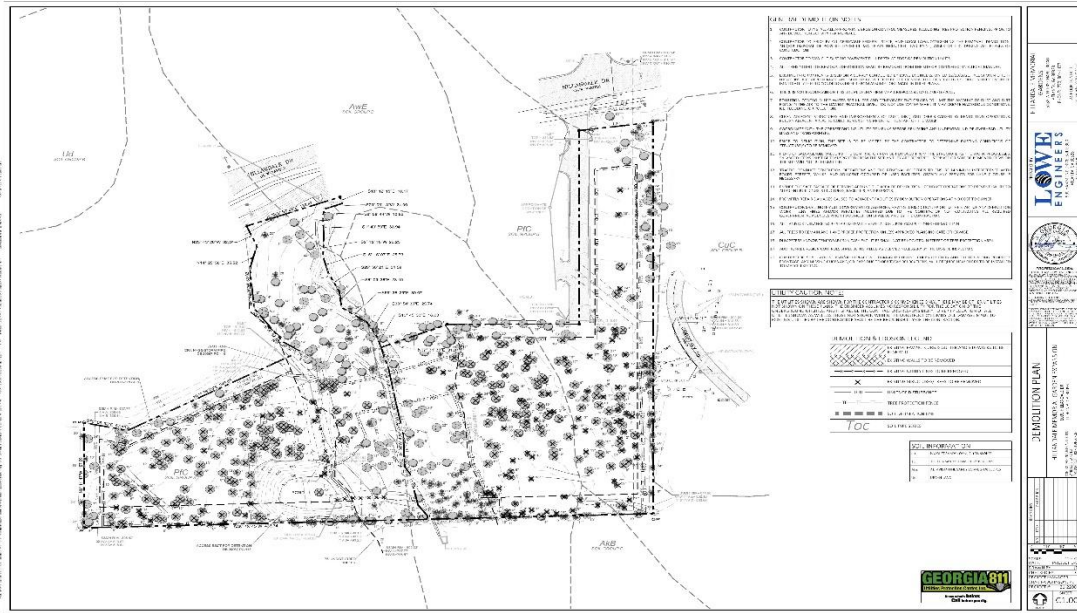
Zoning Map

M - Light Industrial

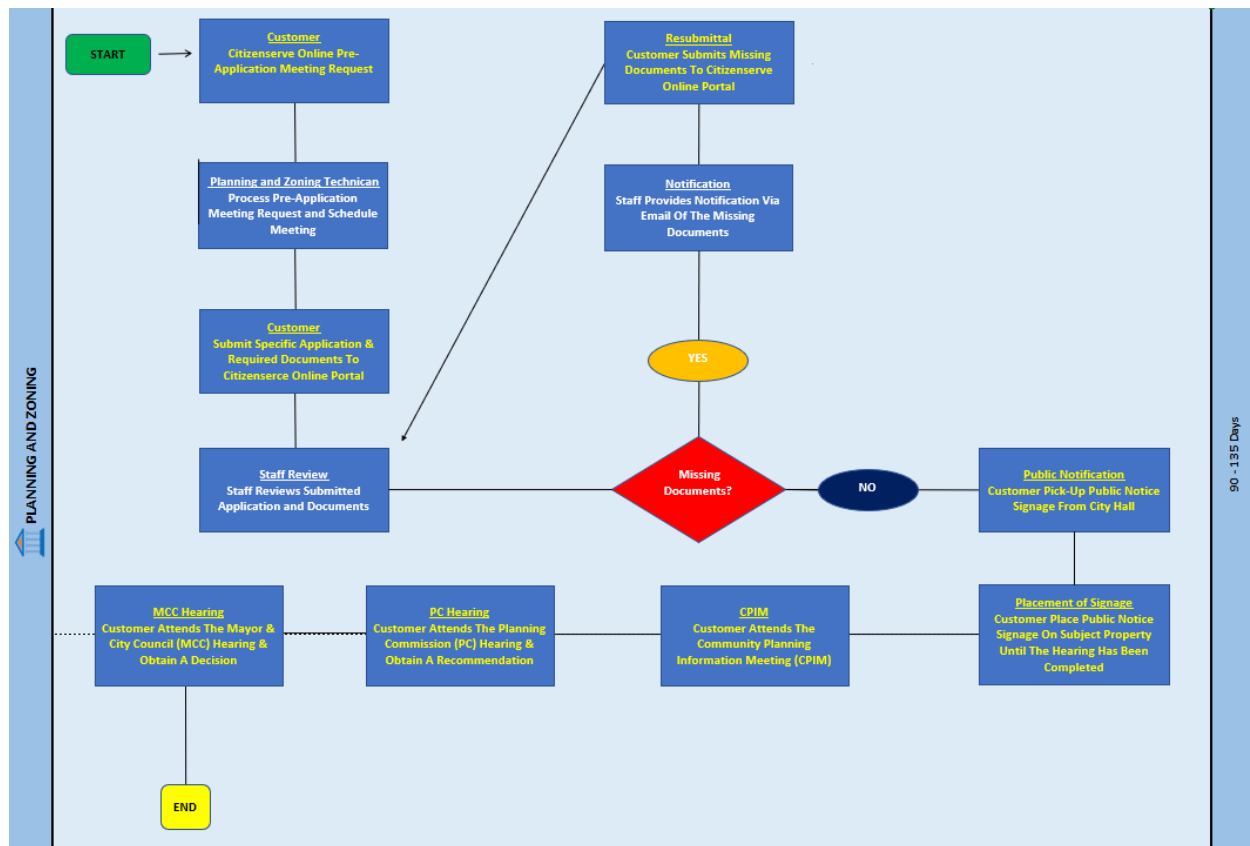
Overlay District Map

Stonecrest Overlay Tier 6

Aerial Map and Submitted Survey



REZONING PROCESS



Helen Simpson the applicant and representative of the owner came to the stand she stated that the current and subject properties will be combined if the subject property is rezoned. Expanding the cemetery to the subject property will be a good use.

John Kelly Link the owner stated that the cemetery has grown since the pandemic. The expansion will contribute to extending its life. He also mentioned that it is the most popular cemetery in Dekalb.

Elsie Ascrew a resident that lives near the cemetery had some questions about the location.

The applicant's next meeting will be January 2, 2024 Planning Commission Meeting

TMOD23-007 Micro Home Community (MHC)

City-Wide

Stonecrest Planning & Zoning Department

Amendment to Stonecrest's Ordinance Chapter 27 (Zoning Ordinance), Article 2 (District Regulation), Article 3 (Overlay District Regulation), Article 4 (Use Regulations), Article 9 (definitions/Maps) regarding Micro Homes Communities

Facts and Background

- City's Ordinance currently do not permitted any dwellings less that 800 square feet (cottages);

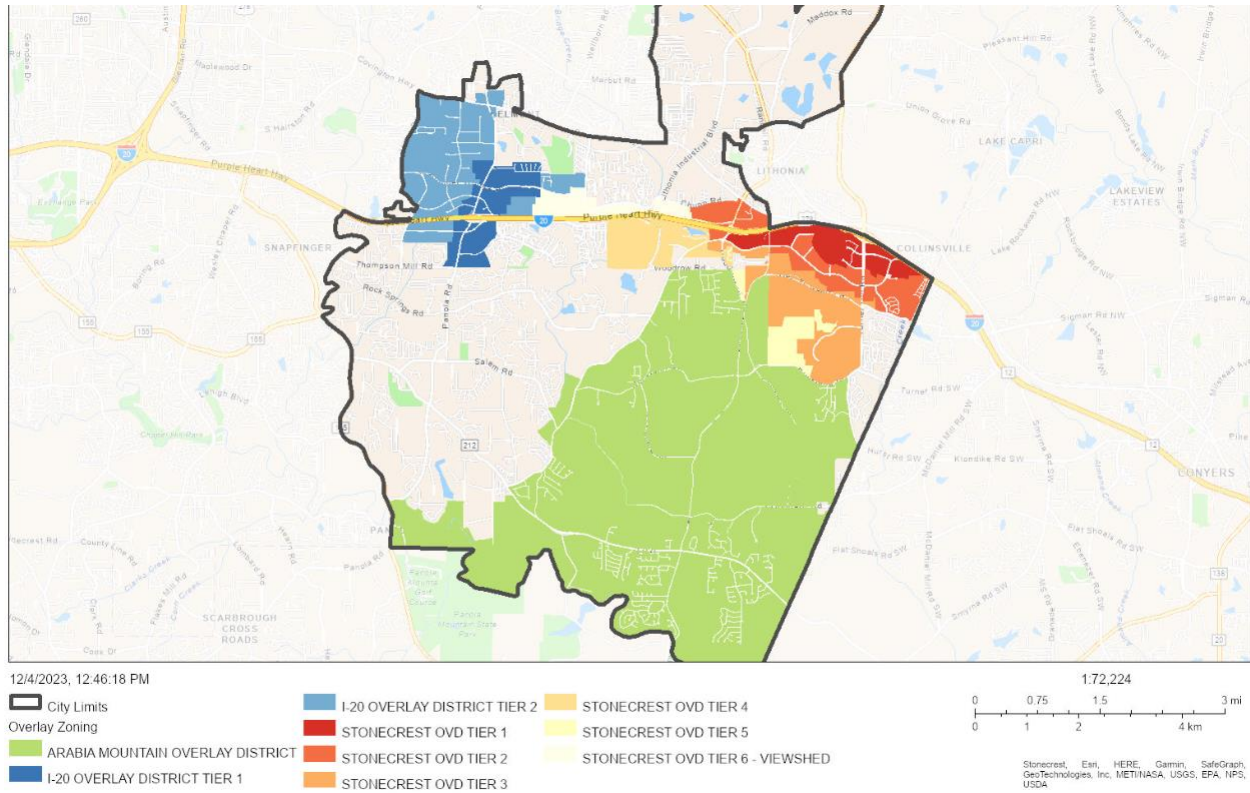
- City's current Comp Plan envisions on incorporating Tiny/Micro Homes into the city
- Staff is proposing amendment to the Stonecrest's Zoning Ordinance permit MHC in certain zoning districts

City's Comprehensive Plan

Land Use Designation		Use Description	Maximum Density Units/Acre	Permitted Districts
Conservation/Public	Conservation/Open Space (COS)	Passive Parks, Nature trails; Flood plains, Wetlands, Watersheds; Golf Courses; Athletic Fields; Amphitheaters	N/A	All
	Institutional/Public (IP)	Schools, Colleges, Hospitals, City Community and Recreation Centers, Public Cemeteries, City Hall, and Post Offices, Public & Civic Facilities and Public Parks, Places of Worship	Up to 8	ALL
Residential	Rural Residential (RR)	Low-density single family detached; Tiny Homes , Agricultural related; Cultural and Historic; Institutional	Up to 4	NS, RE, RLG, R100, RNC, MHP
	Suburban Neighborhood (SN)	SF detached; Townhomes; Assisted Living facilities; Neighborhood Retail; Schools; Libraries; Parks and Related; Health Care, Civic	Up to 8	OI, OIT, NS, RSM, R100, R85, R75, R60, RNC
	Urban Neighborhood (UN)	Townhomes; Multi-family; Neighborhood Rentals; Small Scale Retail/Commercial	Up to 12	MU1-3, C1, C2, RSM, R100-85, R75-60, MR1-2

Figure LU-08 – Character Area/Land Use Summary

Overlay Districts Map



Staff's Recommendation for Sec. 3.1.6.

DIVISION 1. – OVERLAY DISTRICTS

Sec. 3.1.6. Overlay use table.

Table 3.1 Overlay Use												
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2	
"Key: P—Permitted use Pa—Permitted as an accessory Use SA—Special administrative permit required SP—Special Land Use Permit (SLUP) required X—Prohibited Use *If Blank, check underlying zoning use table (4.1.3) * * Note: Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"	T1	T2	T3	T4	T5*	T6*	T1	T2	T3			
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development			
RESIDENTIAL												
Dwellings												
Micro Home Community (MHC)	X					X	X	X	X	X	✓	

Proposal

- Staff is proposing to permit Micro Home Communities by right only in the High Density Residential (HR 1, 2, and 3) Zoning Districts

Zoning District Name		Density (units/acre)
Small Lot Residential Mix	RSM	4—8
Medium Density Residential-1	MR-1	8—12
Medium Density Residential-2	MR-2	12—24
High Density Residential-1	HR-1	24—40
High Density Residential-2	HR-2	40—60
High Density Residential-3	HR-3	60—120

Staff's Recommendation for Sec. 4.2.49.

DIVISION 2. – SUPPLEMENTAL USE REGULATIONS

Sec. 4.2.49. MICRO HOME COMMUNITY (MHC)

A. Permitted Districts.

- a. HR-1, HR-2, and HR-3

B. Site Requirements. No other code shall prevail over this section.

- a. MHCs shall be on a minimum of two (2) acres of land.
- b. The minimum building separation is ten (10) feet.
- c. Minimum setback on all sides shall be twenty (20) feet from property line.

C. Courtyard/ Amenities Area.

- a. MHCs shall have a minimum of three (3) of the following amenities:
 - 1. Gazebo;
 - 2. Swimming Pool;
 - 3. Tennis Court;
 - 4. Walking Trail;
 - 5. Club House;
 - 6. Pet-Friendly Amenities;
 - 7. Children Playground;
 - 8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.); and/or
 - 9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.
- c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.

D. Interior Requirements.

- a. The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.
- b. A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.
- c. A micro home shall have the following:
 - 1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.
 - 2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
 - 3. A separate closet.
 - 4. At least one habitable room containing an openable window and a closet.
 - 5. Ceilings at least 6'8" tall
 - 6. Rooms not meant for sleeping are at least 70 square feet.

E. General Requirements.

- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
- b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
- c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
- d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.

- e. All utilities must be installed underground.
- f. One and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State's Condominium Plat Ordinance.

Proposal

- Staff is proposing to provide supplemental regulations for all Micro Home Communities (MHCs)

Staff's Recommendation for Sec. 9.3.1.

ARTICLE 9. – DEFINITIONS/MAPS

Sec. 9.3.1. – Defined terms.

Micro House means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

Micro Home Community (MHC) means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

Site-Built Residential Dwelling (Stick-Built) means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

Proposal

- Staff is proposing to establish definitions for the following:
 1. Micro House
 2. Micro Home Community (MHC)
 3. Site-Built Residential Dwelling (Stick-Built)

There were none to speak for or against the petition.

Philip Jackson, a Stonecrest resident stated that he believes this type of housing would be cool and affordable.

Upcoming Meetings-

The Planning Commission Meeting is the next meeting for Rezoning and Special Land Use permits to be hosted on January 2, 2024

The Zoning Board of Appeals is the next meeting for Variance Applications to be hosted on January 16, 2024

REZONING, SPECIAL LAND USE PERMIT, AND ZONING CONDITION MODIFICATION APPLICATION CYCLE			
SUBMITTAL DEADLINE	CPIM	PLANNING COMMISSION (PC)	MAYOR & CITY COUNCIL (MCC)
11/07/2023	12/14/2023	01/02/2024	01/22/2023
12/05/2023	01/11/2024	02/06/2024	02/26/2024
01/02/2024	02/08/2024	03/05/2024	03/25/2024
02/06/2024	03/14/2024	04/02/2024	04/22/2024
03/05/2024	04/11/2024	05/07/2024	05/27/2024
04/02/2024	05/09/2024	06/04/2024	06/24/2024
05/07/2024	06/13/2024	07/02/2024	07/22/2024
06/04/2024	07/11/2024	08/06/2024	08/26/2024
07/02/2024	08/08/2024	09/03/2024	09/23/2024
08/06/2024	09/12/2024	10/01/2024	10/28/2024
09/03/2024	10/10/2024	11/05/2024	11/25/2024
10/01/2024	11/14/2024	12/03/2024	TBA
11/05/2024	12/12/2024	01/07/2025	01/27/2025

**REZONING, SPECIAL LAND
USE PERMIT, ZONING
CONDITION MODIFICATION
APPLICATION CYCLE**

**PLANNING COMMISSION MEETS EVERY 1ST
TUESDAY OF THE MONTH**

HEARING STARTS AT 6:00 PM IN CITY COUNCIL
CHAMBERS

VARIANCE APPLICATION CYCLE		
SUBMITTAL DEADLINE	CPIM	ZONING BOARD OF APPEALS (ZBA)
11/07/2023	12/14/2023	01/16/2024
12/05/2023	01/11/2024	02/20/2024
01/02/2024	02/08/2024	03/19/2024
02/06/2024	03/14/2024	04/16/2024
03/05/2024	04/11/2024	05/21/2024
04/02/2024	05/09/2024	06/18/2024
05/07/2024	06/13/2024	07/16/2024
06/04/2024	07/11/2024	08/20/2024
07/02/2024	08/08/2024	09/17/2024
08/06/2024	09/12/2024	10/18/2024
09/03/2024	10/10/2024	11/19/2024
10/01/2024	11/14/2024	12/17/2024
11/05/2024	12/12/2024	01/21/2025

**VARIANCE
APPLICATION
CYCLE**

**ZONING BOARD OF APPEALS MEETS EVERY 3RD
TUESDAY OF THE MONTH**

HEARING STARTS AT 6:30 PM IN CITY COUNCIL
CHAMBERS

Meeting ended at 7:49 pm

APPROVED: *Shawanna Dawry*

PLANNING AND ZONING DEPARTMENT MANAGER

1/12/24

Date

ATTEST: *Cobi Brown*

1/9/24

SECRETARY

Date



PLANNING COMMISSION MEETING MINUTES SUMMARY

Stonecrest City Hall - 6:00 PM *Spoke-in-Person Meeting

January 02, 2024

As set forth in the Americans with Disabilities Act of 1990, the City of Stonecrest will assist citizens with special needs given notice (7 working days) to participate in any open meetings of the City of Stonecrest. Please contact the City Clerk's Office via telephone (770-224-0200)

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing November 8, 2023. The zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

- I. **Call to Order:** Chairman Eric Hubbard (District 3) called the Spoke-in-Person meeting to order at 6:07 PM.
- II. **Roll Call:** Chairman Hubbard (District 3) called the roll. Commissioner Erica Williams (District 1), Commissioner Joyce Walker (District 2), and Commissioner Lemuel Hawkins (District 5) were present. Commissioner Pearl Hollis (District 4) was absent. There was a quorum.

The Planning & Zoning Director - Shawanna Qawiy, Senior Planner - Tre'Jon Singletary, Zoning Administrative Technician – Abeykoon Abeykoon and Planning Administrative Technician – Cobi Brown were present. Attorney Alicia Thompson was present.
- III. **Approval of the Agenda:** Chairman Hubbard called for a motion to **APPROVE THE AGENDA**. Commissioner Erica Williams (District 1) motioned to **APPROVE THE AGENDA**. Commissioner Joyce Walker (District 2) seconded the motion. The motion was unanimously **APPROVED**.
- IV. **Approval of Minutes:** The Planning Commission Meeting Minutes Summary dated November 08, 2023. Chairman Hubbard called for a motion to approve the Planning Commission meeting Minutes Summary dated November 08, 2023, Commissioner Erica Williams (District 1) motioned to **APPROVE THE MEETING MINUTES DATED NOVEMBER 08, 2023**. Commissioner Joyce Walker (District 2) seconded the motion. The motion was unanimously **APPROVED**.
- V. **ANNOUNCEMENTS:** The Planning & Zoning department; Senior Planner - Tre'Jon Singletary announce that the city is engaged in the process of updating the comprehensive plan for the city of Stonecrest and upcoming meetings that the public can participate in. The details of the meeting date are also presented on the city's website.
- VI. **Presentations: Upcoming Cases Presented by Senior Planner - Tre'Jon Singletary**
 - SLUP23 - 011
 - SLUP23 – 012
 - RZ23 – 010
 - TMOD23 – 007 MHC

VII. Old Business: SLUP23-009

VIII. Presentations

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-009**

LAND USE PETITION:	SLUP23-009
PETITIONER:	Darrell Johnson of JDM Consultants, LLC on the behalf of CCC Christ Gospel Parish
LOCATION:	3309 and 3313 Panola Road
PETITIONERS REQUEST:	Petitioner is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.

The applicant is proposing to operate a Place of worship will be approximately 10,500 sq ft and 150 seats capacity. Originally applicant proposed to have 300 seats but inform staff of the change during the December 14 Community Planning Information Meeting (CPIM). Total acres of the subject property is 3.7 +/- . The applicant went before Mayor and council (MCC) on November 27, 2023. MCC informed staff to take the applicant through the entire process again to ensure the community concerns were heard by applicant and staff. Staff found that there are 03 existing places of worship within a one-mile radius. The subject property belongs to R-100 underline zoning district and Suburban Neighborhood (SN) future land use/character area.

According to the city ordinance Place of worship permitted withing the R -100 zoning district with a Special Land Use Permit (SLUP). City ordinance chapter 27, sec. 4.4.42 - Places of Worship, Convents; Monasteries; Temporary Religious Meetings provide necessary requirements and regulations for the proposed use.

Staff recommends denial the petition based on two reasons; The applicant has not submitted the requested updated site plan and the applicant has not submitted the requested updated letter of intent. Furthermore, the council did inform applicants to provide a traffic mitigation plan and the applicant did not submit the traffic plan yet.

Commissioner Erica Williams (District 1) asked is there any specific reason why the applicant did not provide the requested detail.

Senour Planner Tre'Jon Singletary states that the applicant did not provide any reason. During the last CPIM on December 14th, 2023, staff had been informed to submit relevant information prior to Planning Commission (January 02nd, 2024) but applicant did not re-talk to staff.

Chairman Hubbard motioned to open a Public Hearing for SLUP23-009. **Approved** by unanimous vote.

Petitioner's representative Darrell Johnson of JDM Consultants status that essence of Special Land Use Permit. Applicant had met the community two weeks prior to the holidays (2023) and most of their comments on Panola road's traffic. Developers initially proposed a building with 300 seats and decided to reduce the size by half, providing the building with 150 seats. At the entrance applicant proposed to do ride in and ride out situation. There is a church next to this proposed church, but it is not the same type of church, and this church is unique and different from any other church in the area. The developer needs more time to adjust the site plan and resubmit to the staff with modifications. The traffic mitigation plan including school peak hours also not possible to submit withing short period of time. Regarding the letter of intent, the only change is the number of seats should be reduced from 300 to 150.

Commissioner Lemuel Hawkins (District 5) question on communication and states that there are requirements from Stonecrest planning department and petitioner should communicate with staff if they have any difficulties to submit relevant information on given period.

Petitioner's representative Darrell Johnson of JDM Consultants states that the communication regarding the delay of documents was not happen due to the circumstances during the holiday season.

Chairman Hubbard make a motion to provide additional ten (10) minutes to each party. Approved by unanimous vote.

Chairman Hubbard asked those in support to speak.

Famakinwa S Bamidele; paster of the proposed church states that he lives in the area from 2000. This is a unique church with a small number of members such as one hundred (100). Church conducts religious services three (3) times per week and only on Sunday does every member get-together. Wednesday and Friday there are only four to five (4-5) people. Service time of Sunday is 10.00 am – 3.00 pm. Current location of the church is very close to road and dangerous to kids who engage in. The church conducts an annual event, and one reason of the proposed project is to have a safe and sufficient indoor space for this annual event.

Deboch Fomanica daughter of the paster, states that reason for move from current location to proposed location is it is too small for kids. She is also a Sunday school teacher and lack of space leads them to conduct classes behind the current church location. Staying outside is not safe for kids and the surrounding environment is also not nice for kids. As a youth, she wishes to have a great place to bring a great future to their community.

Taiwo Adeeko status that everything brings by paster and daughter is correct and she totally agree with that. She says Sunday event is end up by 2.00 pm and only reason for late departure is personal discussion with each other. This is not a typical church and ends at a typical time. Church conducts lots of community events such as food and cloth drives for homeless people. Allowing this proposal leads the community to continue those activities.

Chairman Hubbard asked those in opposition to speak.

Faye Coffield states that when the new birth church was built in R-100 zoning district, there was a loss of potentials to having quality house of particular area. Opposition does nothing to do with religious related matter and anybody have their rights of worship god. But every place and every time is not the right place and the right time. The surrounding neighborhood does not belong to a transitional and belongs to high income neighborhood with upscale housing. Panola road and the subject location is not suitable for proposed development. They need quality development with no conflict with the existing community.

Ronald O' Neals states that he owned the adjacent property 3319 Panola Road, and the proposed project will impact to value down the mentioned property belongs to him. Therefore, in investment point not religious of view he does not like to give his property to adjacent development. He gave his contact information to the project manager at the CPIM meeting, but nobody had contact him yet.

Donna T. Dees states that the surrounding community does not oppose the proposed church. Panola Mill subdivision is highly affected by traffic and road accidents because of roadblocks. Every Tuesday there is a food giveaway and people line up from 6.00 am in the morning. Traffic and Accidents create not safe environment over there.

Lewis Anderson; president of the Hillson Head homeowners' association states that second meeting of the first cycle of the proposed case didn't when though with the community input due to the changes of advertised hearing dates. He questions the possibility of approving this type of development without having proper traffic study. They already have another church close to their subdivision and are having issues such as noise. Although the number of members was reduced from the initial proposal the square footage, or the size of the building, remains as it is. There are 108 steps between the existing church and the church proposed. There is another church after 300 steps. Overall traffic and notice impact and problems related to retention pond well as do not make this a good project.

Donna Priest Brown states that there is a road widening program conducted along the Panola Road and question the possibility to construct a new development with proposed road widening. According to her understanding it is better to have no new development until the road expansion is completed and opposed the proposed development.

Chairman Hubbard motioned to close the Public Hearing for SLUP23-009. **Approved** by unanimous vote.

Commissioner Joyce Walker (District 2) states there are lot of miscommunications of this case. Commissioners ask staff to explain the reason for the lack of requested documents and the council's response regarding the case.

Senior Planner - Tre'Jon Singletary explained that one requirement from council such as Traffic mitigation study and two requirements from staff such as Updated site plan and updated letter of intent does not submit by applicant. Based on lack of the requested data staff are unable to do a thorough analysis.

Director - Shawanna Qawiy states that staff made recommendations based on the already submitted data and staff unable to review the data that applicant mentioned here without providing.

Commissioner Erica Williams (District 1) states that instructions were not followed by applicant and have questions of communication gap, close location of existing church and noise concern. By referring to the meeting minutes of pervious meeting, it look like applicant does mot address the concerns made by last planning commission such as detention pond related issues and traffic concerns.

Commissioner Lemuel Hawkins (District 5) questions the possibility of the Planning commission to extend the Council hearing of this case for another two months until March to provide sufficient time for applicant to meet requested requirements and staff to do analysis.

Senior Planner - Tre'Jon Singletary explained that Planning Commission able to make such recommendation but still the case need to go to mayor and council as per the legal advertisement.

Attorney Alicia Thompson provided clarifications to the options.

Chairman Hubbard made a motion to recommend **DEFERRAL** of this application to March cycle. **Commissioner Lemuel Hawkins (District 5)** second the motion. **Commissioner Joyce Walker (District 2)** and **Commissioner Erica Williams (District 1)** did not approve of the motion and the motion was **VOID** due to not having a unanimous vote.

Commissioner Erica Williams (District 1) made a motion to recommend **DENIAL** for this application. Commissioner Joyce Walker (District 2) second the motion. Chairman Hubbard and Commissioner Lemuel Hawkins (District 5) did not approve the motion and the motion was **VOID** due to not having unanimous vote.

Chairman Hubbard made a motion to recommend **DEFERRAL** the application and the motion does not receive a second to the motion. The motion was **VOID**.

Commissioner Erica Williams (District 1) made a motion to recommend **DENIAL** for this application. Commissioner Joyce Walker (District 2) second the motion. Chairman Hubbard and \ oppose the motion and the motion was carried to **DENIAL** by 3 to 1 vote.

LAND USE PETITION:	SLUP23-011
PETITIONER:	Michelle Fennell of Farms Lane
LOCATION:	5924 Fairington Farms Lane
PETITIONERS REQUEST:	Petitioner is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

Petitioner requests a special Land Use Permit to conduct home based child daycare in a existing dwelling which is approximately 3,138 sq ft in size and four bedroom and 2.5 baths. According to the city ordinance home day care maximum of three (3) children permitted withing the underline zoning district. The petition went to the Community Planning Information Meeting on December 14, 2023. The property belongs to MR-1 underline zoning district and suburban Neighborhood (SN) future Land Use/ Character area.

City ordinance chapter 27, Sec 4. 2.31 Home Occupations and Private Education Uses provided necessary requirements for the proposed use. Staff recommend approving the petition based on eight (8) Conditions.

Staff's Recommendation

Staff recommends **APPROVAL** with the following condition(s):

1. Applicant must comply and remain in compliance with all International Building Code regarding care facilities within a dwelling;
2. No city permit for the operation of the childcare services shall be transferable; will only be permitted for the operator Michelle Fennell;
3. A City of Stonecrest business license is required shall be obtained;
4. No parking is permitted on the street or on lawn area of subject property;
5. A maximum of three (3) students shall be served at any time;
6. No signs other than those otherwise authorized within the applicable zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises);
7. No child shall remain at the subject property for no more than 12 (twelve) hours per day. The Applicant's hours of operation are 6:30 AM – 6:00 PM Monday – Friday; and
8. Play area shall be secured and fenced. Sharp items, BBQ Grills, or any other items that are not kid friendly shall be stored away and removed from the play area.

Commissioner Erica Williams (District 1) questioned the flower beds, barbecue grills and other items located in the backyard of the applicant that are not kids friendly.

Senior Planner - Tre'Jon Singletary explained that's why staff recommend condition number eight (8) on staff recommendation.

Commissioner Joyce Walker (District 2) asks about the community response on this case.

Senior Planner - Tre'Jon Singletary explained that staff received an overload amount of email supporting this case and no comments of opposed was presented.

Commissioner Lemuel Hawkins (District 5) asks does state or city define the maximum number of children as three (3).

Senior Planner - Tre'Jon Singletary explained that the city allows up to three (3) Children in home daycare and the number varied when child daycare considered as primary use.

Chairman Hubbard motioned to open the Public Hearing for SLUP23-011. **Approved** by unanimous vote and mentioned there were 25 letters for support to this case.

Applicant Michelle Fennell states that she started this daycare as a support for her younger child and she got licensed by the state. She got quality rated as two stars and does this not only for money but the love of her children.

Chairman Hubbard asks whether applicant have any concerns on conditions that staff had recommended.

Applicant Michelle Fennell states No.

Chairman Hubbard asked those in support to speak.

Donna Priest Brown; a Neighbor of the applicant states her strong support to granting this Special Administrative permit to the applicant. Michell Fennell does not cause any disturbance to the neighborhood. As a HOA board member of the subdivision, I did not receive a single complaint regarding this daycare service. Ms. Fennell keeps his house in and out of her house in excellent condition. As not only a livelihood but also a primary source of income she likes to keep Ms. Fennel in her business. Disrupting or cutting down her business might be a significant disruption for her community. Recommendation is three maximum students according to Stonecrest, but state is superseded to city.

Tina Peacy a neighbor of the applicant for 18 years states that she uses her service for state funded children. States allow six (6) children in home daycare. If the city reduced that into 3 it will not be profitable for applicant. she never had a problem from applicant as a neighbor or service provider. Applicant was in her business before the city therefore cutting her business in half is not good.

Clayton Hodges states that the applicant has taken care of her son and by looking at her house it does not seem like there is a daycare beside someone stepped inside. She nicely maintains her front yard and back yard. The community trusts her.

Sedrick Bernards states that she knows the applicant for more than 20 years and she takes care of her kids. She doesn't think there is an issue like traffic that neighbors normally concern about.

She and her husband had difficulties when they must take care of their Children and applicant was there to help her. Not just having 3 kids but having 6 as the state says. Because reducing children will impact her financially.

Chelsea Anderson states that she knows the applicant for a long time, and she recently use the applicants service for her daughter. Unlike other daycares with many issues, applicants take care of children's safety. She follows the book and does not do anything that he does not suppose.

Hanna Ra Calhoun states that applicants in her operations in past 17 years and provide benefits to several neighbors including her. Dar care is very small in size and there are few children like no more than 2-3 families at once and 2-3 cars in driveway. There wasn't an impact to the quality of life of homeowners due to the applicant's business. Applicants' contribution is required for working parents in the community.

Chairman Hubbard motioned to close the Public Hearing for SLUP23-011. **Approved** by unanimous vote.

Commissioner Erica Williams (District 1) concerns that the city ordinance had reduce the number of children and ask is there any other that she can falls under.

Senior Planner - Tre'Jon Singletary explained the type 1 and type 2 home occupations where type 1 does not allow any customer contact while type 2 allows customer contact with a special land use permit.

Attorney Alicia Thompson provided clarifications.

Chairman Hubbard asks the possibility of grandfathering of business.

Attorney Alicia Thompson provided clarifications and states that legal team need to further analysis to recognize whether there is a possibility to obtain grandfathering. She advice applicant to provide any supporting documents to staff that show the legal operation of the business.

Applicant Michelle Fennell states that she recommended to have a state license. Applicants husband status that they applied for a city license prior to this time and never heard back from city. There is a person next door to the applicant running an illegal daycare and code enforcement actions had take place on that property. If city cutting their business in half, they must shut down their business.

Chairman Hubbard clarify the approval process to the applicant and grandfathering concerns. Applicants need to prove the establishment of their business by providing any relevant document to the staff.

Chairman Hubbard made a motion to recommend **APPROVE WITH CONDITIONS**. Commissioner Joyce Walker (District 2) second the motion. Case SLUP23-011 was **unanimously APPROVED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-012**

LAND USE PETITION:	SLUP23-012
PETITIONER:	Natnael Mammo
LOCATION:	4083 Spencer Lane
PETITIONERS REQUEST:	Petitioner is seeking a Special Land Use Permit (SLUP) to operate a short-term vacation rental.

The applicant proposed to operate a Short-term vacation rental in a new subdivision where he resides. According to the city ordinance the applicant must obtain a residential building permit and obtain a business license prior to operating his business. Homeowners Association (HOA) covenant of the subject subdivision prohibited short-term vacation rental. The petition went through a Community Planning Information (CPIM) on December 14, 2023. Property belongs to R-100 zoning district and Suburban Neighborhood (SN) future land use/ character area.

Staff do not make any recommendations on the petition because it might be a civil matter between the applicant and the Homeowners Association (HOA) covenant.

Chairman Hubbard questions whether staff unable to inform to the applicant regarding this status of this application prior to the payment.

Senior Planner - Tre'Jon Singletary explained that staff had got know regarding the HOA during the Community Planning Information Meeting in December. During the pre-application meeting application did not mention the HOA covenant restriction to the staff.

Attorney Alicia Thompson provided clarifications and explained that HOA covenant is a outside agreement between homeowner and HOA other than city. The city does not interfere with that agreement and separate homeowners and HOA.

Commissioner Erica Williams (District 1) concerns the HOA covenants and city ordinance requirements on Short-term vacation rental.

Senior Planner - Tre'Jon Singletary explained that at the beginning stage now staff are asking the HOA covenants.

Commissioner Erica Williams (District 1) asked whether city have a running list of HOAs belong to the city.

Director - Shawanna Qawiy states Code Enforcement Department does have list of HOA and staff can refer the list if needed.

Commissioner Lemuel Hawkins (District 5) question whether this is a new subdivision, home already constructed and still constructions going on for the subdivision.

Chairman Hubbard motioned to open the Public Hearing for SLUP23-012. **Approved** by unanimous vote.

Applicant Natnael Mammo state that he needs to withdraw the application. He was unable to participate for the December 14th CPIM meeting and his representor inform there are more than five (5) neighbors opposed to the application. He is a first-time home buyer and bought this home on March 20th (2023). His occupation is truck driver and hope to invers his property to generate some income to cover his mortgage when he is out of the town. He apologizes for the code issue recently happening due to the bad guest.

Attorney Alicia Thompson provided clarifications for excepting withdrawal.

Chairman Hubbard appreciate the applicant for coming and withdrawing the application.

Senior Planner - Tre'Jon Singletary explain that the withdrawal is needed in writing for further processing.

Chairman Hubbard made a motion to recommend **ACCEPT THE WITHDRAWAL**. Commissioner Erica Williams (District 1) second the motion. Applicants' withdrawal of the case SLUP23-012 was **unanimously ACCEPTED**.

*Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **RZ23-010***

LAND USE PETITION:	RZ23-010
PETITIONER:	Helen Simpson of Lowe Engineers
LOCATION:	6039 Hillandale Drive
PETITIONERS REQUEST:	Petitioner is seeking to rezone property for the expansion of an existing cemetery.

Applicant sent an email requesting to withdraw on December 23, 2023, at 10.46 am and based on the applicant request, staff recommends to withdraw Applicant's petition.

Chairman Hubbard motioned to open the Public Hearing for RZ23-010. **Approved** by unanimous vote.

Chairman Hubbard motioned to close the Public Hearing for RZ23-010. **Approved** by unanimous vote.

Chairman Hubbard made a motion to recommend **ACCEPT THE WITHDRAWAL**. Commissioner Erica Williams (District 1) second the motion. Applicants' withdrawal of the case RZ23-010 was **unanimously ACCEPTED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary TMOD23-007

TMOD23-007:	Micro Home Community (MHC)
PETITIONER:	Stonecrest Planning & Zoning Department
LOCATION:	City-Wide
PETITIONERS REQUEST:	Amendment to Stonecrest's Ordinance Chapter 27 (Zoning Ordinance), Article 2 (District Regulation), Article 3 (Overlay District Regulation), Article 4 (Use Regulations), Article 9 (definitions/Maps) regarding Micro Homes Communities

City ordinance currently does not permit any dwelling less than 800 sq ft (Cottages). The city's Comprehensive Plan envisions incorporating tiny homes into the city. Staff proposing amendment to the Stonecrest's Zoning Ordinance permit Micro Home Communities (MHC) in certain districts.

Staff recommendation for making addition for sec. 3.1.6 overlay use table by allowing Micro Home Communities in Stonecrest Area Overlay Tier 2, Tire 3, Tire 4 & Tire 5. Staff proposing to permit Micro Home Communities by right only in the High Density Residential (HR 1, 2, and 3) Zoning Districts.

Staff recommendations for Sec. 4.2.49

DIVISION 2. – SUPPLEMENTAL USE REGULATIONS

Sec. 4.2.49. MICRO HOME COMMUNITY (MHC)

A. Permitted Districts.

- a. HR-1, HR-2, and HR-3**

B. Site Requirements. No other code shall prevail over this section.

- a. MHCs shall be on a minimum of two (2) acres of land.**
b. The minimum building separation is ten (10) feet.
c. Minimum setback on all sides shall be twenty (20) feet from property line.

C. Courtyard/ Amenities Area.

- a. MHCs shall have a minimum of three (3) of the following amenities:**
- 1. Gazebo;**
 - 2. Swimming Pool;**
 - 3. Tennis Court;**
 - 4. Walking Trail;**
 - 5. Club House;**
 - 6. Pet-Friendly Amenities;**
 - 7. Children Playground;**
 - 8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.);**
and/or
 - 9. Any other innovative shared social space.**
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.**

- c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.

D. Interior Requirements.

- a. The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.
- b. A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.
- c. A micro home shall have the following:
 - 1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.
 - 2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
 - 3. A separate closet.
 - 4. At least one habitable room containing an openable window and a closet.
 - 5. Ceilings at least 6'8" tall
 - 6. Rooms not meant for sleeping are at least 70 square feet.

E. General Requirements.

- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
- b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
- c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
- d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.
- e. All utilities must be installed underground.
- f. One and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State's Condominium Plat Ordinance.

Staff recommendations for Sec. 9.3.1

ARTICLE 9. – DEFINITIONS/MAPS

Sec. 9.3.1. – Defined terms.

Micro House means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

Micro Home Community (MHC) means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

Site-Built Residential Dwelling (Stick-Built) means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

Commissioner Joyce Walker (District 2) asked the current locations that Micro Home Community exist. There are news that large organizations started such a micro home project in Stonecrest and what is the reality of that news.

Senior Planner - Tre'Jon Singletary explained that currently there are no micro home communities in the city and this text amendment is for allowing the use. Lower square footages allows currently is cottages.

Chairman Hubbard motioned to open the Public Hearing for TMOD23-007 Approved by unanimous vote.

Chairman Hubbard asked those in support to speak. There was none.

Chairman Hubbard asked those in oppose to speak. There was none.

Chairman Hubbard motioned to close the Public Hearing for TMOD23-007 Approved by unanimous vote.

Chairman Hubbard mentioned that when preparing the comprehensive plan, the micro home or the tiny home communities also had in discussion. DeKalb county commissioner district 6 has cottages for micro homes those were also in some TV (television) shows. Because these are so small those are not belonging to the same housing standards. Commissioner concern about the HOA for maintain drainage and streets. Medium income community who are willing to purchase tiny homes will not take the responsibility of maintaining drainage and roads.

According to the proposed amendment the minimum parking requirement is 1.5 and suggest changing it to a minimum of 1 driveway.

Senior Planner - Tre'Jon Singletary explained the purpose of having HOA is beautifying the city and maintain the neighborhood. Staff request a minimum of 3 amenity areas that developers need to build.

Commissioner Erica Williams (District 1) states that these micro homes that not going to be cheap. Tiny home communities in the city of Clarkston start at \$120,000. Having a HOA is agreed but not driveway and drainage. Parking also can developers according to the developers' thoughts on the development.

Director - Shawanna Qawiy states those homes start at \$99,000 and it might be higher after the construction has completed. Parking types also depend on the way of development.

Commissioner Erica Williams (District 1) proposed a site visit to the existing tiny home community.

Commissioner Lemuel Hawkins (District 5) concerns the overflow parking requirements.

Commissioner Erica Williams (District 1) concern the additional parking space for visitors and More than one entry and exit way.

Commissioner Joyce Walker (District 2) concerns the possibility of providing parking behind the houses and lawn maintenance.

Chairman Hubbard made a motion to recommend TMOD23-007 **APPROVE WITH CONDITIONS.**

1. Remove the requirement of the HOA to provide maintenance of streets and drainage.
2. Decrease required parking spaces from 1.5 spaces per dwelling unit to 1 space per dwelling.
3. Include a mandatory overflow parking area for guests parking etc.; and
4. Include a minimum of two (2) access points (ingress and egress) for all MHCs.

Commissioner Erica Williams (District 1) second the motion. TMOD23-007 was unanimously APPROVED.

IX. Adjournment

Chairman Hubbard made a motion to adjourn the meeting. Commissioner Erica Williams (District 1) second the adjournment.

The meeting adjourned at 9.11 PM.

APPROVED:

CHAIRMAN

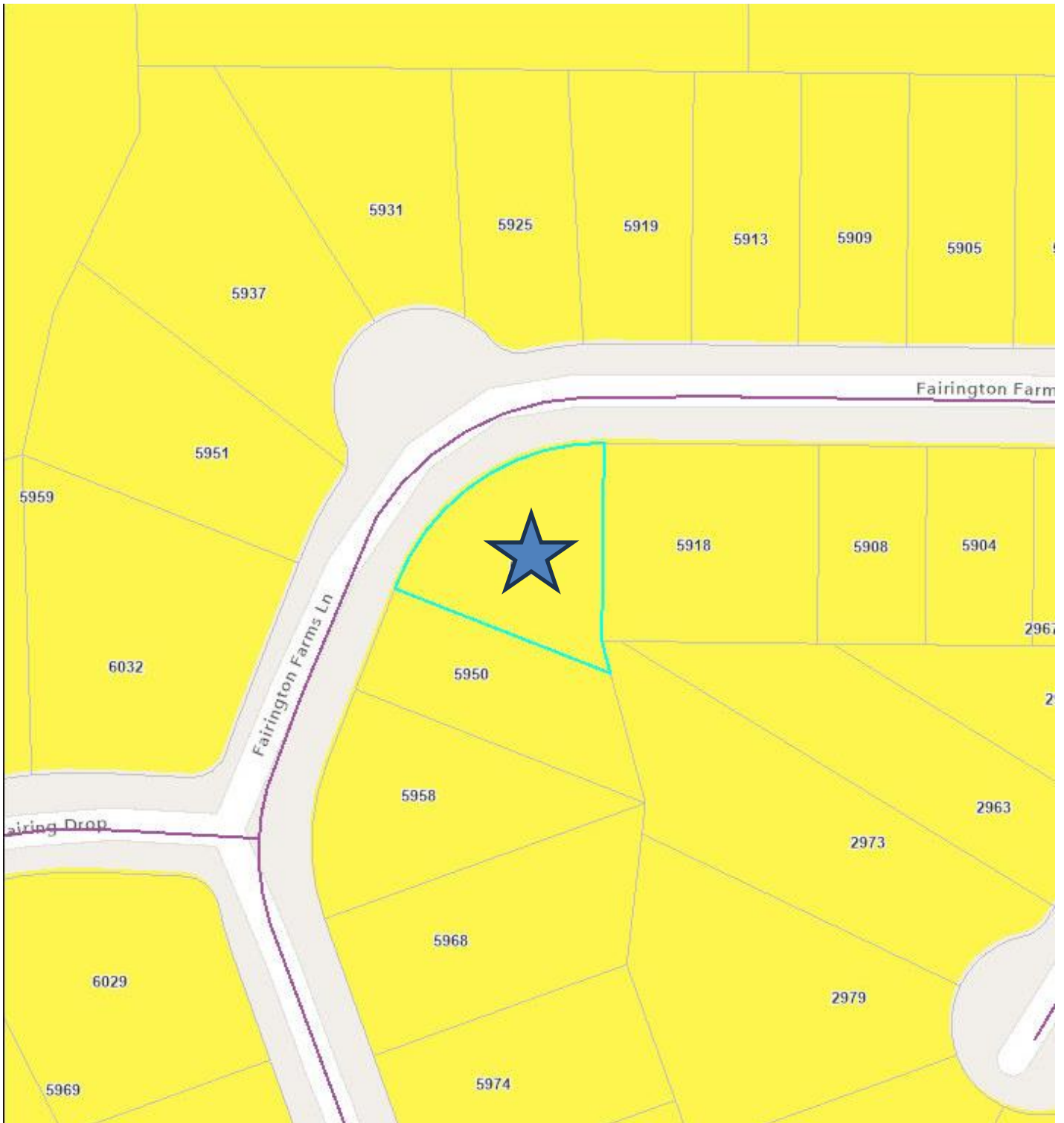
Date

ATTEST:

SECRETARY

Date

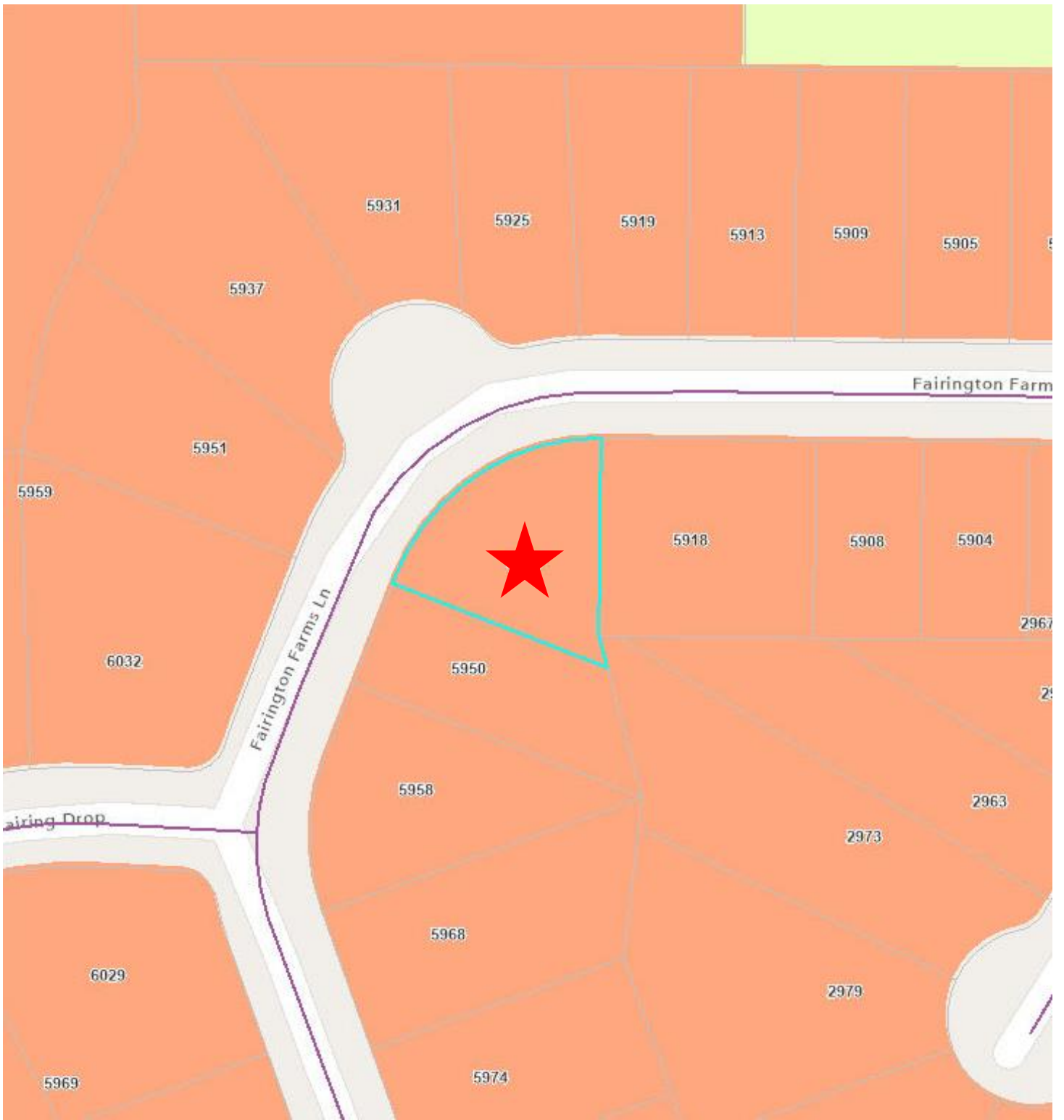
Future Land Use Map | Suburban Neighborhood (SN)



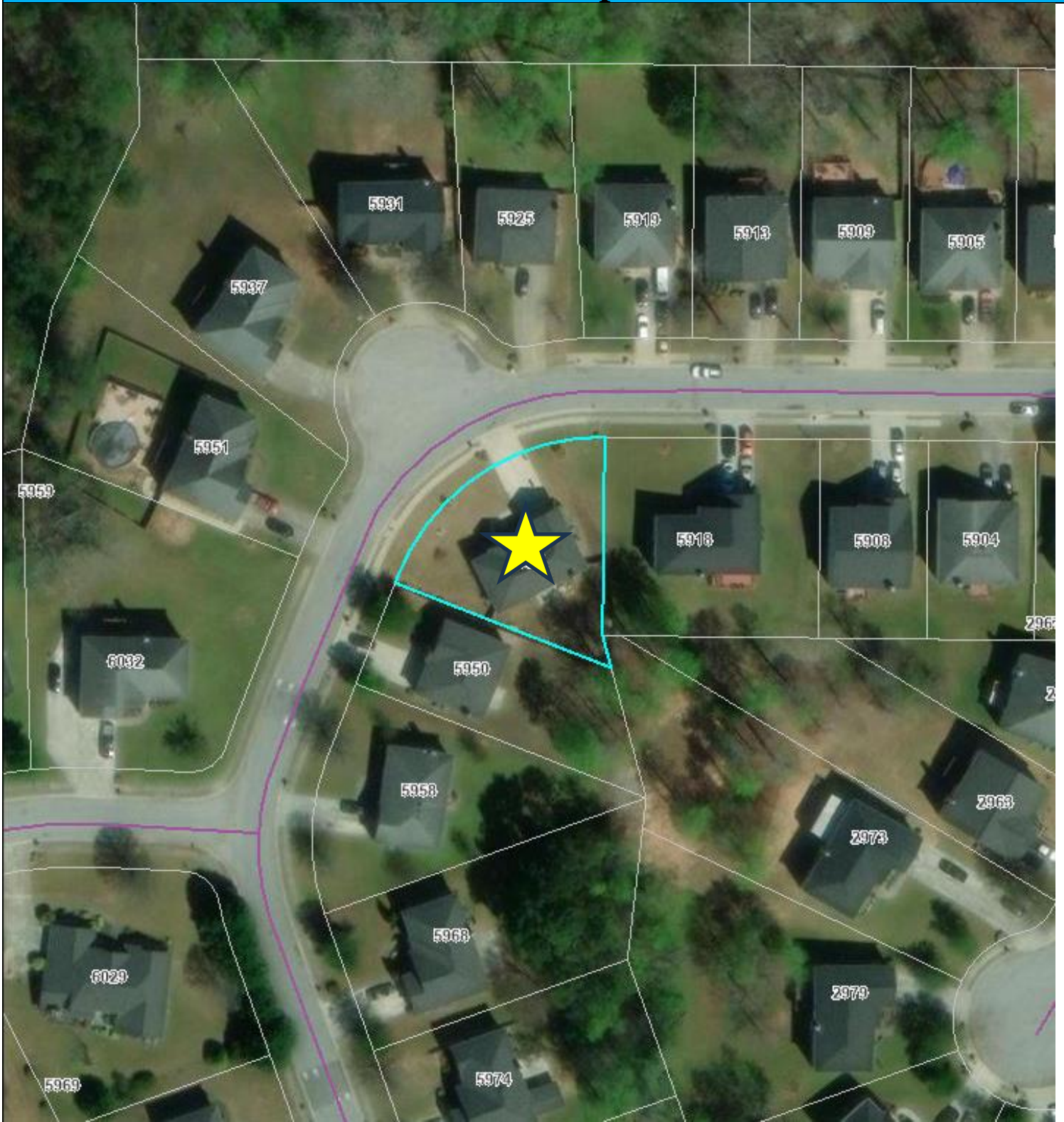
Suburban Neighborhood (SN)

The intent of the Suburban Neighborhood character area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. Those areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns. The proposed density for areas of this type is up to 8 dwelling units per acre.

Zoning Map | M (Light Industrial)



Aerial Map



Site Photo

Network: Dec 18, 2023 at 12:53:45 PM EST
Local: Dec 18, 2023 at 12:53:45 PM EST
N 33° 41' 24.217", W 84° 8' 49.184"
5919 Fairington Farms Ln
Stonecrest GA 30038
United States



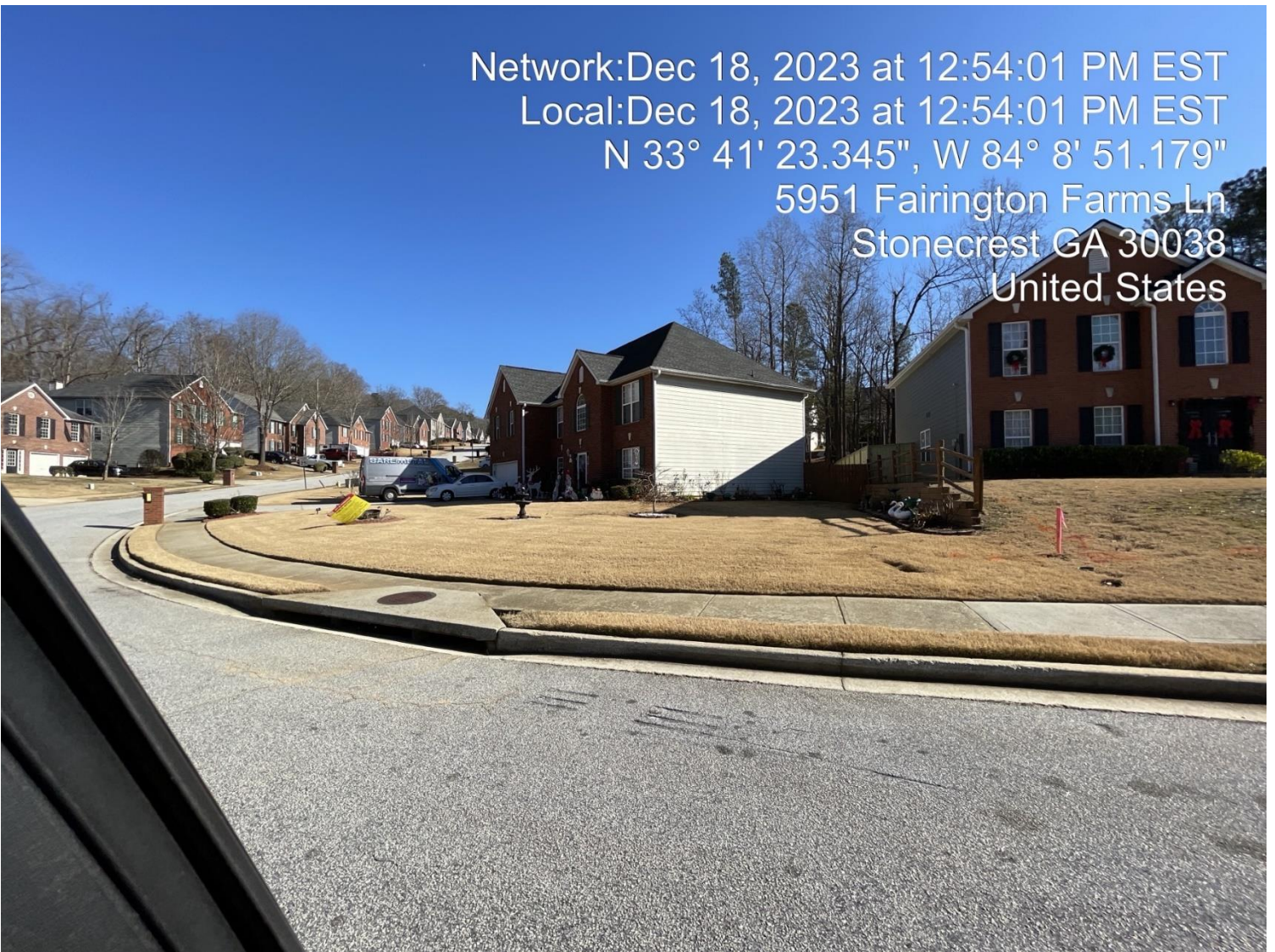
Network: Dec 18, 2023 at 12:52:40 PM EST
Local: Dec 18, 2023 at 12:52:40 PM EST
N 33° 41' 23.747", W 84° 8' 50.638"
5924 Fairington Farms Ln
Stonecrest GA 30038
United States



Network: Dec 18, 2023 at 12:52:35 PM EST
Local: Dec 18, 2023 at 12:52:35 PM EST
N 33° 41' 23.747", W 84° 8' 50.638"
5924 Fairington Farms Ln
Stonecrest GA 30038
United States



Network: Dec 18, 2023 at 12:54:01 PM EST
Local: Dec 18, 2023 at 12:54:01 PM EST
N 33° 41' 23.345", W 84° 8' 51.179"
5951 Fairington Farms Ln
Stonecrest GA 30038
United States











Submitted State License

2024



BRIGHT FROM THE START GEORGIA DEPARTMENT OF EARLY CARE AND LEARNING

LICENSE

License # FR-25160

This is to certify that a license is granted to Fennell, Michelle A to operate a Family Child Care Learning Home doing business as Fennell, Michelle A located at 5924 Fairington Farms Lane, Lithonia, DeKalb County of Georgia.

This license expires December 31, 2024.

"This license is granted pursuant to the authority vested in Bright from the Start: Georgia Department of Early Care and Learning, O.C.G.A. § 20-1A-1 et seq."

THIS LICENSE IS NOT TRANSFERABLE AND LICENSE FEE IS NON REFUNDABLE
License Fee of \$50.00 was paid on November 20, 2023.

Pam Stearns

Deputy Commissioner for Child Care Services



**BRIGHT FROM THE START
GEORGIA DEPARTMENT OF EARLY CARE AND
LEARNING
CERTIFICATE OF REGISTRATION**

Facility # FR-25160

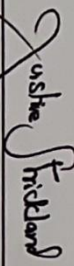
This is to certify that a Certificate of Registration is granted to Michelle A Fennell to operate a FAMILY DAY CARE HOME located at 5924 Fairingston Farms Lane, Lithonia, GA 30038. This Certificate of Registration certifies that this provider is eligible to provide quality childcare to a maximum of six (6) children.

This Certificate of Registration is effective from May 01, 2009 to May 01, 2010.

"This Certificate of Registration is granted pursuant to the authority vested in the Bright from the Start: Georgia Department of Early Care and Learning, O.C.G.A. §20-1A-1, and signifies that the Family Day Care Home complies with applicable

THIS CERTIFICATE IS NOT TRANSFERABLE

WITNESS my hand, this Tuesday, March 3, 2009

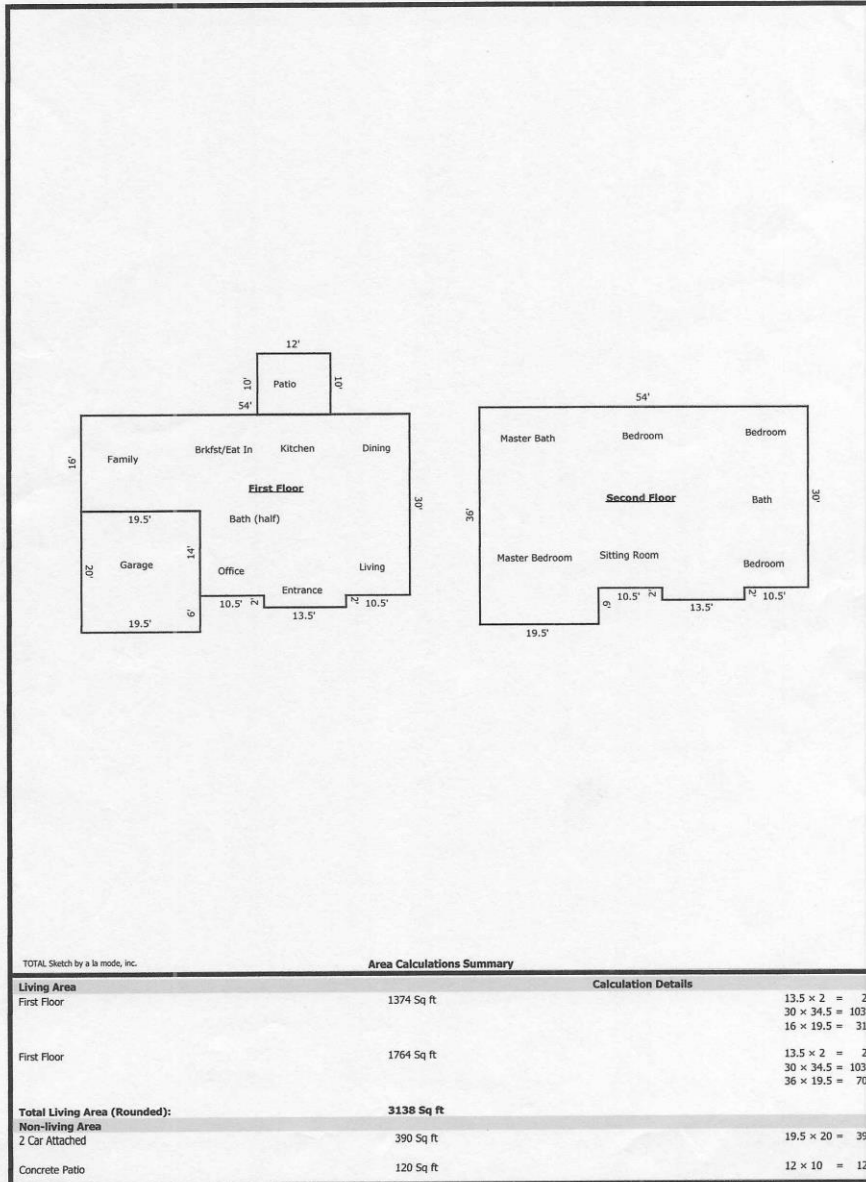

Assistant Commissioner for Child Care Policy


Regional Director, Family Day Care Unit

Submitted Floor Layout

Building Sketch

Borrower	Michelle Fennell					
Property Address	5924 Fairington Farms Ln					
City	Lithonia	County	Dekalb	State	GA	Zip Code 30038
Lender/Client	Renasant Bank Mortgage					



Letter of Intent

5924 Fairington Farms Ln
Lithonia GA 30038
10-24-23

To whom it may concern,
I have been a resident of
Lithonia now StoneCrest for the past 19 years
at 5924 Fairington Farms Lane 30038.
I am a licensed Daycare Provider and a
Quality Rated which is monitored by the
State of Georgia by Bright From the Start.
I am applying for a Business License
from the city of StoneCrest.

M Fennell.

Letter of Intent

