



SPECIAL LAND USE PERMIT ANALYSIS

Prepared By: Ellis Still, Deputy Director of Planning & Zoning

Petition Number: SLUP 25-007

Applicant: Michael Stewart
1695 Spring Hill Cove
Lithonia, GA 30058
stewartmichaelz@yahoo.com

Property Owner: Michael Stewart
1695 Spring Hill Cove
Lithonia, GA 30058
stewartmichaelz@yahoo.com

Project Location: 1695 Panola Road (Parcel ID 16 131 01 157)

District: 1 – Councilwoman Tara Graves

Acreage: +/- 0.27 acres

Existing Zoning: RSM (Small Lot Residential Mix) District

Overlay: N/A

Future Land Use: Suburban (SUB)

Proposed Development/Request: The applicant is seeking to operate a personal care home.

CPIM: December 11, 2025

Planning Commission: January 6, 2026

Mayor & City Council: January 26, 2026

Sign Posted/ Legal Ad(s) submitted: November 24, 2025

Staff Recommendations: **Denial**

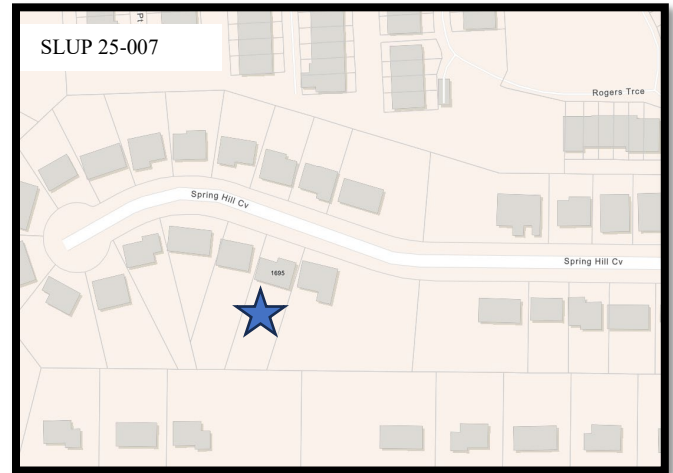
Planning Commission: **TBD**

PROJECT OVERVIEW

Location The subject property is located at 1695 Spring Hill Cove, Lithonia, GA 30058 in the Rogers Crossing Subdivision off of Rogers Lake Road. Rogers Lake Road is classified as a Collector.

The property zoned RSM (Small Lot Residential Mix) zoning district and most of the surrounding properties are zoned RSM (Small Lot Residential Mix).

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use
Adjacent: North	RSM- (Small Lot Residential Mix) District	Residential (Single Family Home)
Adjacent: West	RSM- (Small Lot Residential Mix) District	Residential (Single Family Home)
Adjacent: East	RSM- (Small Lot Residential Mix) District	Residential (Single Family Home)
Adjacent: South	RSM- (Small Lot Residential Mix) District	Residential (Single Family Home)



Background The zoning classification is RSM- Small Lot Residential Mix.

The property is developed as a single-family home in the Rogers Crossing Subdivision. The property has been used as a residence since it was built in 2002.

There is another application for a personal care home in the neighborhood that was applied for in March of 2025. The home consists of 2,162 square feet and sits on 0.27 acre.

According to [Division 12, Section 2.12.1](#) The purpose and intent of the City Council in establishing the RSM (Small Lot Residential Mix) District is as follows: A. To provide for the creation of For Sale residential neighborhoods that allow a mix of single-family attached and detached housing options; B. To provide flexibility in design and product on the interior of new development while protecting surrounding neighborhoods;



DIVISION 2. - SUPPLEMENTAL USE REGULATIONS

Sec. 4.2.41. - Personal care homes and child caring institutions.

A. Personal care homes, general requirements.

1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the personal care home. If owned by an individual, the individual owner must reside in the group personal care home.
2. Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
3. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
4. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.
5. No city permit for the operation of the personal care home shall be transferable.

B. Personal care home, group (up to six persons).

1. Two copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each group personal care home must provide at least four parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.
3. The home must be at least 1,800 sq. ft in size.
4. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in a residential zoning district may be operated within 1,000 feet of any other group personal care home. The 1,000-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two tracts of land on which the group personal care homes are located.

C. Personal care home, (seven or more persons).

1. Two copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community personal care home must provide at least one-half parking spaces for each employee and resident and must comply with any applicable requirements in article 6.



Caption: An example Suburban Neighborhood Land Use in Stonecrest, GA

Suburban Neighborhood (SN): The Suburban Neighborhood area recognizes 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 already developed and those under development pressures. Suburban Neighborhood areas are characterized by low-pedestrian orientation, limited transit access, scattered civic buildings, and curvilinear street patterns. The desired density for areas of this type is from 4 to 8 dwelling units per acre.

Use Descriptions: SF detached; Townhomes; Assisted Living facilities; Neighborhood Retail; Schools; Libraries; Parks and Related; Health Care, Civic

Maximum Density, Units/Acre: 4 to 8 du/ac

Permitted Districts: OI, OIT, NS, RSM, R100, R85, R75, R60, RNC

Zoning Classifications Legend

C-1: Local Commercial

C-2 General Commercial

HR-1: High-density Residential 1

HR-1: High-density Residential 2

HR-1: High-density Residential 3

M: Light Industrial

M-2 Heavy Industrial

MR-1: Medium-density Residential 1

MR-2: Medium-density Residential 2

MU-1: Mixed-use Low Density

MU-2: Mixed-use Low-Medium Density

MU-3: Mixed-use Medium Density

MU-4: Mixed-use High Density

MU-5: Mixed-use Very High Density

NS: Neighborhood Shopping

OD: Office-distribution

OI: Office-Institutional

OIT: Office-Institutional Transitional

R-60: Residential Medium Lot-60

R-75: Residential Medium Lot-85

R-85: Residential Medium Lot-85

R-100: Residential Medium Lot-100

RE: Residential Estate

RLG: Residential Large Lot

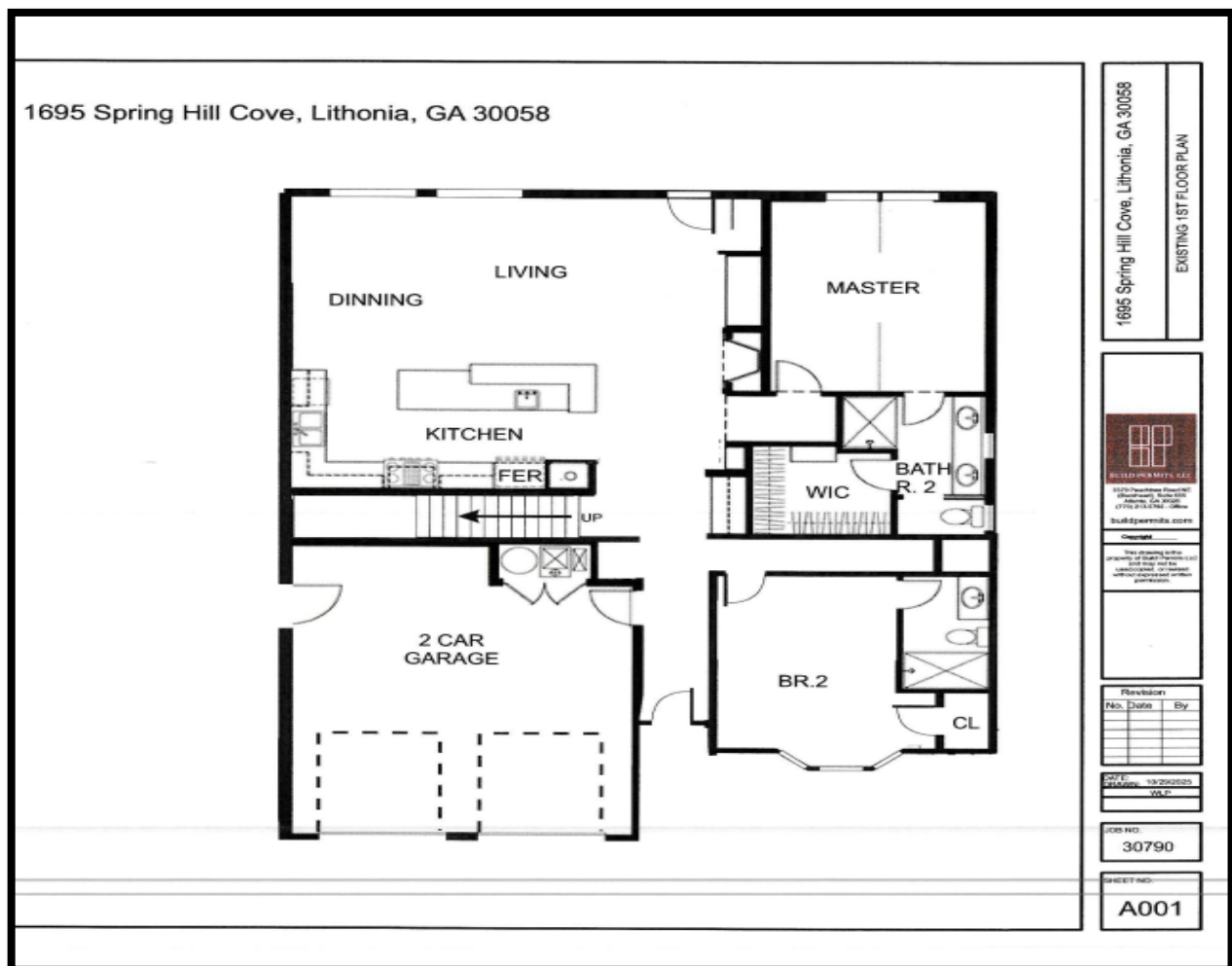
RNC: Residential Neighborhood Conservation

RSM: Small Lot Residential Mix

Public Participation

Property owners within 1,000 feet of the subject property were mailed notices of the proposed special land use permit in July. The Community Planning Information Meeting (CPIM) was held on December 11, 2025, at 6:00 pm at city hall. There were no residents in attendance at the meeting to speak on this request. One resident inquired about the vetting and oversight of professional personal care providers and the methods that would be used to ensure proper care for seniors. Staff also asked whether the applicant would reside at the residence; the applicant stated that he would not, and that his brother would be living at the home. Staff advised the applicant that residency by the applicant is a requirement of the proposed use. Additional questions were raised regarding emergency preparedness, including the posting of emergency information, the number of residents to be housed at the location, visitation schedules, parking arrangements, and the number of vehicles that could be accommodated in the driveway. Another resident expressed concerns regarding observed traffic levels and prior police activity at the property, stating that these conditions could present safety concerns for elderly residents. The resident also noted that the street is narrower than others in the neighborhood, which could potentially impede emergency vehicle access during an emergency.

Submitted Floor Plan



SLUP 24-009

ADDRESS: 3356 Panola Road

CURRENT ZONING: **R-100 (Residential Med Lot) District**

OVERLAY: **None**

FUTURE LAND USE: **Suburban (SUB)**

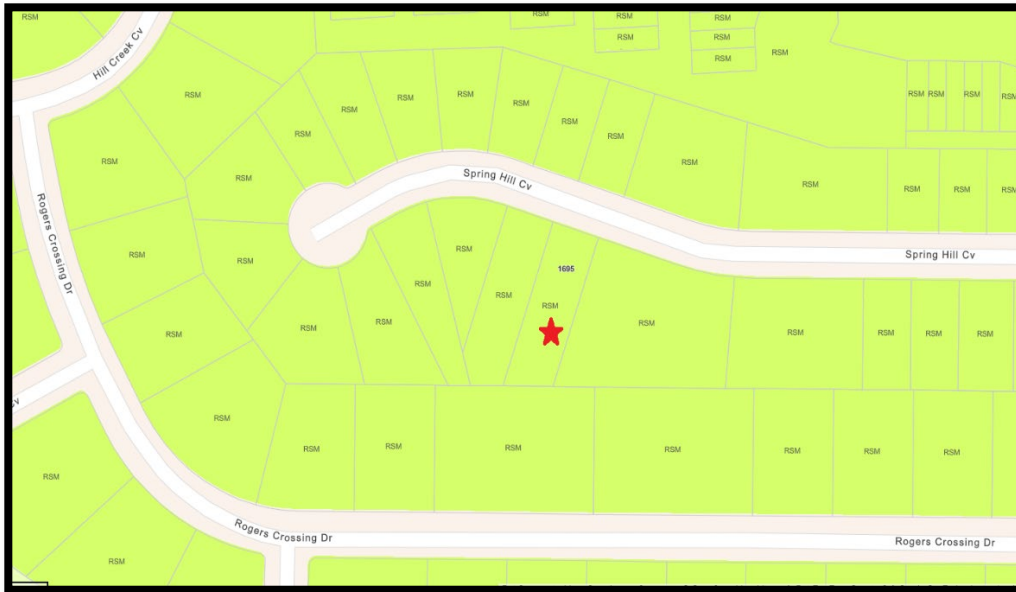


Subject Property

Aerial Map



Zoning Map

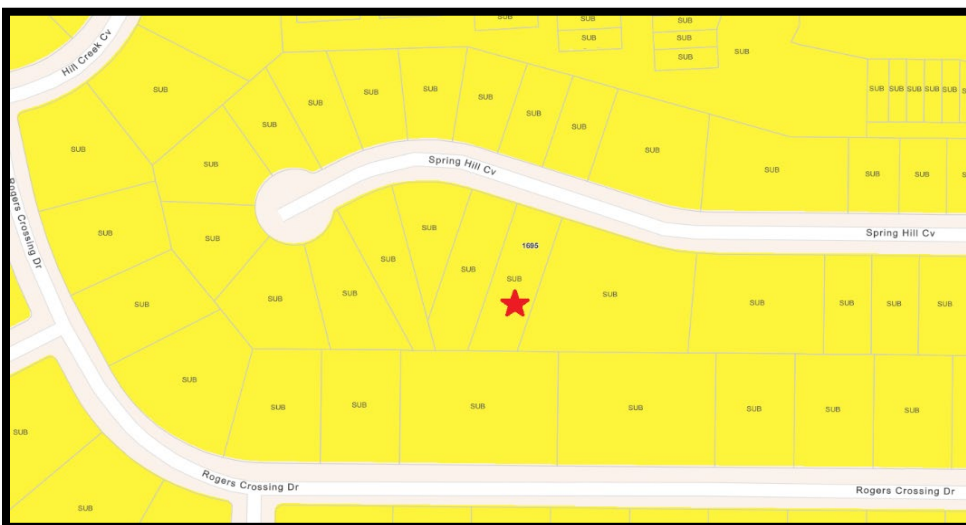


Legend



R-100 - Residential Med Lot

Future Land Use Map



Legend



Suburban

SLUP25-007

1695 Spring Hill Cove



STANDARDS OF REZONING REVIEW

Section 7.4.6 of the Stonecrest Zoning Ordinance list nineteen factors to be evaluated in consideration of granting a special land use permit. No application for a special land use permit shall be granted unless satisfactory provisions and arrangements have been made concerning each factor by the Community Development Department, Planning Commission and City Council. Each factor is listed with staff analysis.

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

The property was developed in the early 2000's as part of a single-family home subdivision. The subject property consists of approximately +/- 0.27 acres of residential zone land. The lot is narrow and the home is tightly placed on the lot. The setbacks appear to be met. The lot has appropriate parking for four vehicle spaces. There is enough lot area in the rear of the property to accommodate the required open space.

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

The proposal is consistently compatible with the residential zone district and the existing residential developed properties. The site has a single-family dwelling on the land. The proposal for a personal care home is allowed, per Section 2.12.2, Permitted and Special Land Uses that governs the site. There is another personal care home within the neighborhood. It is permitted because it meets the required 1,000 foot distance requirement.

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

The property is located off Rogers Lake Road, which is a collector road and has access to existing developed public facilities and utilities.

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

Rogers Lake Road is an existing roadway with a varied public right-of-way width. There is adequate traffic-carrying capacity along the roadway.

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

The proposed personal care home would not adversely affect the character of the vehicles or volume of traffic generated. The standard traffic volume for the site would likely be a very modest increase. The possible need for medical assistance would not likely be more than what currently exists.



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

Adequate ingress and egress are provided from Spring Hill Cove. There are no sidewalks available for pedestrian walkability along the frontage of the subject property or throughout the subdivision. The subject property is near a cul-de-sac and should accommodate the requirements of Fire and Emergency Services as far as access.

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

The proposed use should not adversely impact adjoining land uses by reason of noise, smoke, odor, dust, or vibration generated from a personal care home.

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

The proposed use hours of operations should not create adverse impacts upon the adjoining land use. The applicant Letter of Intent indicate that there would be 24 hours can for 7 days a week.

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

The applicant stated that his brother would be staying at the home. This could adversely impact adjoining land use by reason of manner of operation. It was stated at the CPIM meeting that there have been past issues involving the police at this location and the applicant's brother. These activities and the applicant not being on the site of the business are cause for concern.

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

The proposed use is otherwise consistent with the requirements of the zoning district in accordance with Article 2 – District Regulations Table 4.1 – Division 12, Section 2.12.2 (C).

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

The use is consistent with the policies of the comprehensive plan and is permitted by the zoning ordinance as a special land use permit. The comprehensive list "*Assisted Living Facilities*" as a one of the use descriptions.

- L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

The proposed use would be in an existing neighborhood and have adequate space required for the proposed use. The uses in the surrounding neighborhood are all similar in nature.



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

There are currently refuse and services provided at the property. The use would not change any of the current services.

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

The Special Land Use Permit will be granted to the applicant for the requested use and is not transferable. If the use is discontinued, the permit will expire.

O. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

The size, scale and mass of the proposed development are appropriate in relation to the size of the subject property and in relation to the size and scale of the adjacent and nearby lots and buildings.

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

There are no historical buildings or archeological resources that staff are aware of in the area.

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

The proposed use does not meet the requirements of the supplemental regulations. The supplemental regulations states *"If owned by an individual, the individual owner must reside in the group personal care home."* The applicant has stated that his brother will be residing at the property.

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

The proposed use will not create a negative shadow impact on any adjoining lot or building as a result of building height. The building height is not proposing to change with this request.

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

The proposed use would not necessarily benefit to the community as a whole due to an existing personal care home in the same subdivision. There could be a conflict with the existing personal care home and cause unwanted confusion in the community.



STAFF RECOMMENDATION

Based on the review of the application and supporting materials, Staff finds that several required findings for approval have not been adequately addressed and that the supplemental requirements associated with the proposed special land use permit have not been met. Specifically, outstanding concerns remain regarding compliance with operational standards, residency requirements, and site-related considerations necessary to ensure compatibility with surrounding properties and the protection of public health, safety, and welfare. As a result, Staff has concluded that the proposed use does not meet the criteria established by the zoning ordinance. Therefore, Staff recommends **DENIAL** of the requested special land use permit.

PLANNING COMMISSION RECOMMENDATION – January 26, 2026

TBD



Attachment(s): SLUP 24-006 Application Materials



Attachment(s): Community Planning Information Meeting (CPIM) Summary Minutes