



City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

STAFF ANALYSIS AND REPORT

OWNER/APPLICANT: Bill Harris

LOCATION: 968 & 990 Sexton Drive
(Parcel ID: 18 090 07 026 & 18 090 07 033)

CURRENT ZONING/USE: R-2: Multi-Family Apartments

PROPOSED ZONING/USE: R-2: Multi-Family Apartments & Vacation Home Facilities

REQUEST: Special Use Permit to allow for two (2) vacation home facility units.

ZONING/ADJACENT LAND USE:

North	R-1: Single-Family Home & Townhomes
South	GC: McCurdy Park & MR-1 Apartments
West	R-1: Single-Family Residential
East	GC: McCurdy Park

MEETING INFORMATION:

Planning & Zoning Commission:	11/18/2024 – 6:30 P.M.
Mayor & City Council 1 st Read:	12/17/2024 – 6:30 P.M.
Mayor & City Council Public Hearing:	01/07/2025 – 6:30 P.M.

RECOMMENDATION:
Staff recommends approval with conditions.

BACKGROUND:

January 7, 2024

To: City of Stone Mountain Mayor & City Council

From: Richard Edwards, AICP

Subject: The applicant is requesting a Special Use Permit to allow for two (2) vacation home facility units.

Background:

A vacation home facility is defined as: “a residential type establishment, with commercial enterprise, offering whole house rental with no more than four lodging rooms for temporary occupancy for a fee that does not offer food to guest.” The occupancy of the guest shall not exceed 14 consecutive days during any 90 day period.

The Colonial Park Apartments were constructed in 1971. There are five buildings within the complex comprised of 22 total apartments. Below is a break down of the building units and sizes:

Building #	# of units	Bed/bathroom count
968	4	2 bed, 1 bath
970	4	2 bed, 1 bath
972	4	1 bed, 1 bath
980	6	2 bed, 1 bath
990	4	2 bed, 1 bath

The applicant is currently only has plans to start with 2 units as vacation home facilities but would like the option to expand in the future.

Analysis: Pursuant to Article II of the City of Stone Mountain Zoning Ordinance, Staff has reviewed the special use permit request in accordance with the required review criteria.

A. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.

The existing building is a multi-family use apartment complex. This request would reduce the number of available long-term rentals for citizens in the City of Stone Mountain. There are no signification adverse effects anticipated on the neighborhood or area with the proposed staff conditions.

B. Whether or not the use is compatible with the neighborhood.

The proposed use is compatible with the neighborhood. This is an existing apartment complex with townhomes to the north and a large apartment complex to the south.

C. Whether or not the proposed use will constitute a nuisance as defined by state law.

It is not anticipated that the proposed use will constitute a nuisance.

D. Whether or not property values of surrounding property will be adversely affected.

Adjacent property values are not anticipated to be adversely affected through the establishment of the requested use.

E. Whether or not adequate provisions are made for parking and traffic considerations.

It is not anticipated that the proposed use will cause a burden on traffic. This is an existing apartment complex with existing parking.

F. Whether or not the site or intensity of the use is appropriate.

The proposed vacation home facilities within the apartment complex do appear to be appropriate with the staff recommended conditions.

G. The location or proximity of other similar uses (whether conforming or non-conforming).

There is a Short-Term Rental – Homestay located on Polar Springs Road not too far from this location.

H. Whether or not adequate controls and limits are placed upon commercial deliveries.

It is not anticipated that any commercial deliveries will be required.

I. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.

The proposed use is within an existing development that has existing landscaping that was recently updated.

J. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.

The subject property is located along a corridor that has two large multi-family developments and is not anticipated to produce adverse impacts on the public health, safety, and welfare of surrounding neighborhoods. There will not be an undue strain on resources (i.e.: schools, transportation, water) based on the characteristics of the proposed use.

K. Whether it is consistent with the Comprehensive Plan.

The property falls within the Townhome/Duplex designation on the Future Land Use Map, which calls for multi-family residential uses. The property also falls within the West Gateway Character Area, which calls primary land uses that include single-family residential, multi-family residential, condominium and townhome residential, and commercial uses. This request is consistent with the Comprehensive Plan.

Recommendation:

Pursuant to Article II of the City of Stone Mountain Zoning Ordinance, Staff has reviewed the request in accordance with the required review criteria and recommends **APPROVAL** of the Special Use Permit for vacation home facilities with the following conditions:

1. The applicant shall only be allowed to apply for and maintain only two (2) vacation home facilities within any given year.
2. The applicant shall apply for a Short-Term Rental Permit and Business License annually.
3. Provide no more than four lodging (guest) rooms with a minimum of 70 square feet per room.
4. Occupancy of a lodging room shall require at least 40 square feet per individual.
5. Occupancy by guest(s) shall not exceed 14 consecutive days during any 90 day period.
6. Vacation home facilities shall be required to have a smoke alarm in each lodging room (guest room) and a fire extinguisher visible and accessible to guests. The facilities are subject to at least one annual inspection at the time of initial licensing and during renewal of the same.
7. There shall be no on-street parking allowed for guests.
8. No business and advertising signs shall be permitted.

The Planning Commission voted (3-2) to recommend denial of this request citing concerns over allowing apartment complexes to have short-term rentals and the precedence that would be set.



APPLICATION FOR USE PERMIT

City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

Date Received: 10/9/24

USE PERMIT#: _____

(Office Use Only)

APPLICANT INFORMATION

Applicant Name: William Harris

Address: 698 Sexton DR Stone Mountain GA 30083

Phone: _____

Cell: 770 638 8723

Fax: _____

Email Address: billseellsatt@gmail.com

OWNER INFORMATION (If different from Applicant)

Owner Name: _____

Address: _____

Phone: _____

Cell: _____

Fax: _____

Email Address: _____

PROPERTY INFORMATION

Address: 698-990 Sexton DR Stone Mountain GA 30083

Parcel ID#: _____

Land Lot: _____

District: _____

CURRENT ZONING: _____

USE PERMIT REQUEST: _____

Name (print) William Harris

Signature: William Harris

Date: 10/9/24

SECTION II

OWNER/PETITIONER

NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

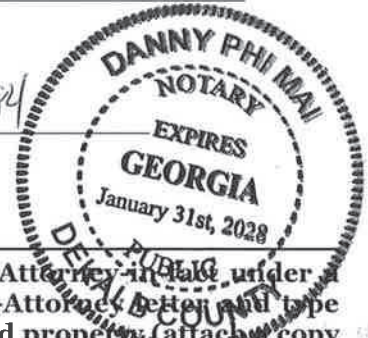
Part 1. Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.

William Harris
 TYPE OR PRINT OWNER'S NAME
698-990 Sexton DR
 ADDRESS
Stone Mountain GA 30092
 CITY & STATE ZIP CODE
William Harris
 OWNER'S SIGNATURE
billlorette@gmail.com
 EMAIL ADDRESS

Sworn to and subscribed before me this the 9th Day of October 2024

Danny P. Mail
NOTARY PUBLIC

770 448 8984
PHONE NUMBER



PART 2. Petitioner states under oath that: (1) he/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney, better and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

 TYPE OR PRINT PETITIONER'S NAME

 ADDRESS

 CITY & STATE ZIP CODE

 PETITIONER'S SIGNATURE

 EMAIL ADDRESS

Sworn to and subscribed before me this the _____ Day of _____ 20_____

NOTARY PUBLIC

PHONE NUMBER

SECTION V

ATTORNEY / AGENT

Check One: Attorney Agent

 TYPE OR PRINT ATTORNEY / AGENT NAME

 SIGNATURE OF ATTORNEY / AGENT

 ADDRESS

 CITY & STATE ZIP CODE

EMAIL ADDRESS

PHONE NUMBER

PETITIONER'S SIGNATURE



USE PERMIT CONSIDERATIONS

Applicant: _____

Analyze the impact of the proposed use permit with the following questions:

1. Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed? Apartment Complex
2. What is the extent to which property values are diminished by their particular zoning restrictions? Use is not changing; going from long-term Rentals to Short Term Rentals
3. What is the extent to which the possible reduction of property values of the subject property promotes health, safety, morals or general welfare of the public? Property Value will not go down
4. What is the relative harm to the public as compared to the hardship imposed upon the individual property owner? No Harm
5. What is the suitability of the subject property for the zoning proposed? No Zoning Change proposed
6. What is the length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property? No;
N/A
7. Will the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property? No;
N/A

8. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?

No N/A

9. Does the property affected by the zoning proposal have a reasonable economic use as currently zoned?

No N/A

10. Does the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

No N/A

11. Is the zoning proposal is in conformity with the policy and intent of the comprehensive plan and future development map?

No N/A

12. Are there any other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal?

No N/A

13. What is the impact upon the appearance of the city? None / N/A

14. What is the anticipated impact upon the provision of water, sewage, transportation and other urban services? None N/A

None N/A

15. What is the anticipated impact upon population density and the potential for overcrowding and urban sprawl? None N/A

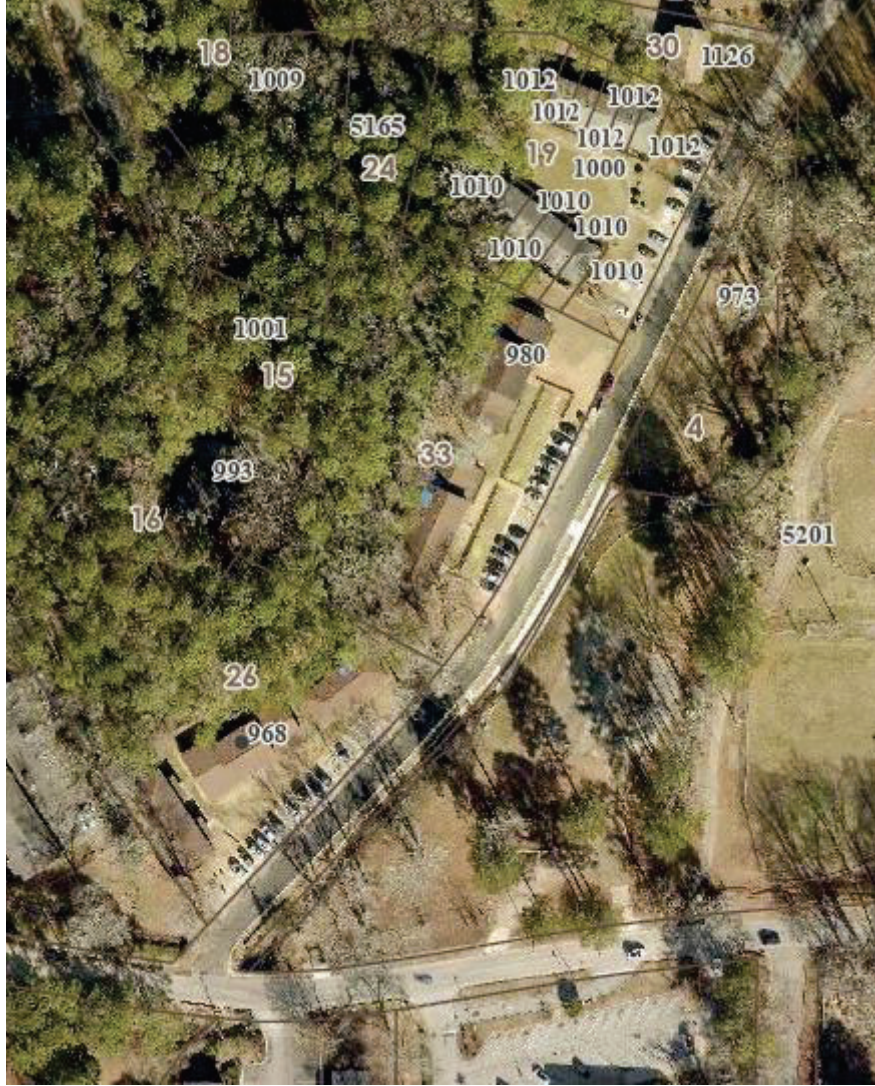
None N/A

16. What is the anticipated impact upon thoroughfare congestion and traffic safety? None N/A

None N/A

17. What measures are being taken to protect the property against blight and depreciation?

We maintain the property (Monthly)





DRAFT PLANNING COMMISSION MINUTES
Monday, November, 2024 @ 6:30 pm
Regularly Scheduled Meeting
City Hall, 875 Main Street, Stone Mountain, Georgia 30083

CALL TO ORDER

Meeting called to order at 6:33pm.

DETERMINATION OF QUORUM

Present: Andrew Zonneveld, Carl Wright, Alex Brennan, Grace Kelly, and Matt McConnell
Absent: Meron Tadesse

APPROVAL OF THE AGENDA

Matt McConnell moved to approve the agenda as presented; seconded by Grace Kelly.

Vote: Approved Unanimously 5-0.

APPROVAL OF MEETING MINUTES

1. Meeting minutes from September 16, 2024 meeting.

Carl Wright moved to approve the meeting minutes; seconded by Matt McConnell.

Vote: Approved Unanimously 5-0.

COMMISSION ANNOUNCEMENTS

Alex Brennan reminded the commission and those present that one (1) commission seat remained unfilled as Felicia Evans was unable to complete her term; her remaining term balance is to be included in the solicitation for interest.

OLD BUSINESS

1. **Discussion on the West Mountain Cottages.**

Alex Brennan stated that he believed there were discrepancies between what was approved for this project and what had been built. Further, he asked what the penalties were for the illegal tree removal.

Carl Wright asked if staff was aware of any additional variances issued from the Planning Commission review to the City Council approval.

NEW BUSINESS

1. **672 Pepperwood Trail (Parcel ID: 18 074 03 113)**
Request – Variance from Section 5-1.5(A)(4) to reduce the minimum front yard setback from 50-feet to 17.5-feet.

Richard Edwards introduced the front yard variance request and rear yard variance request together and presented staff recommendations.

Sharon Steele and the project engineer presented their case on behalf of Habitat for Humanity.

Carl Wright asked if they were able to tie into the existing water and sewer lines and if they were building within the footprint of existing pad.

Alex Brennan asked if the construction was going to be slab on grade.

Joan Monroe spoke in favor of both variance request.

Grace Kelly moved to recommend approval of the variance request with staff conditions; seconded by Matt McConnell.

Vote: Motion Passed; 5-0.

2. 672 Pepperwood Trail (Parcel ID: 18 074 03 113)

Request – Variance from Section 5-1.5(A)(5) to reduce the minimum rear yard setback from 40-feet to 34.5-feet.

Matt McConnell moved to recommend approval of the variance request with staff conditions; seconded by Andrew Zonneveld.

Vote: Motion Passed; 5-0.

3. 968 & 990 Sexton Drive (Parcel ID: 18 090 07 026 & 033)

Request – special use permit to allow for vacation home facilities.

Richard Edwards introduced the case and presented the staff recommendation.

Alex Brennan asked for clarification from staff on condition #3.

Matt McConnell asked where the parking for the site is located.

Alex Brennan asked staff what the total number of licensed short-term rentals were in the city.

The applicant, Bill Harris, presented his case to the board.

Grace Kelly asked for the applicant's long-term goal with establishing short-term rentals at this location and she asked about the occupancy rate of the apartments.

Grace Kelly asked how many days a year would the units need to be rented to maintain financial stability.

Carl Wright asked if the applicant had completed a market analysis for the proposed use.

Richard Edwards provided clarification on the licensing procedures for the short-term rentals.

Carl Wright asked for clarification on how the city would monitor which units would be allowed to be a short-term rental.

Andrew Zonneveld expressed concerns the proposal for short-term rentals in an apartment complex.

Joan Monroe spoke in opposition of the request.

Michael spoke in opposition of the request.

Clint Monroe spoke on the positives and negatives of the request.

Andrew Zonneveld moved to recommend denial of the special use permit for vacation home facilities; seconded by Meron Tadesse.

Vote: Motion Passed; 3-2 (Alex Brennan and Matt McConnell voting in opposition).

4. Review of the 2025 Meeting Calendar

Richard Edwards presented the proposed 2025 meeting calendar for the Planning Commission.

Alex Brennan recommended either changing the day or time of the March 17th meeting for the community to attend the Raising of the Green at Arts Center.

Carl Wright moved to approve the 2025 meeting calendar with the rescheduling of the March 17th meeting to March 24th; seconded by Grace Kelly.

PUBLIC COMMENTS

Joan Monroe spoke on her concerns over short-term rentals in the city.

Clint Monroe spoke on his concerns over short-term rentals in the city.

ADJOURNMENT

Carl Wright moved to adjourn the meeting; seconded by Matt McConnell.

Vote: Approved Unanimously 5-0.

Alex Brennan, Chair

Richard Edwards, Secretary