

PLANNING COMMISSION MEETING MINUTES SUMMARY
Stonecrest City Hall- 6:00 PM *Spoke-in-Person Meeting
October 3, 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 October 3, 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 6:00 PM.
- II. **Roll Call:** Chairman Hubbard (District 3) called the roll. Commissioner Erica Williams (District I), Commissioner Joyce Walker (District 2), Commissioner Pearl Hollis (District 4), and Commissioner Lemuel Hawkins (District 5) were present.
- III. Planning Deputy Director Matthew Williams and Planner Abeykoon Abeykoon were in attendance. Attorney Alicia Thompson, Fincher Denmark, LLC, virtually attended.
- IV. **Approval of Minutes: The Planning Commission Meeting Minutes Summary dated September 5, 2023.** Chairman Hubbard called for a motion to approve the Planning Commission meeting Minutes Summary dated **September 5, 2023** by Commissioner Hawkins. Commissioner Walker seconded the motion. The motion was unanimously **APPROVED**.
- V.
- VI. **Approval of the Agenda:** Chairman Hubbard called for a motion to **APPROVE THE AGENDA**. Commissioner Hollis motioned to **APPROVE THE AGENDA**. Commissioner Hawkins seconded the motion. The motion was unanimously **APPROVED**.
- VII. **Presentations: Upcoming Cases Presented by: Mr. Ray White, Planning Director and Tre'Jon Singletary, Senior Planner**
 - **RZ-23-003**
 - **SLUP23-004**
 - **SLUP23-005**
- VIII. **Old Business: RZ23-003**
- IX. **Announcements**

Planning and Zoning Project Viewer
- X. **Presentations**

*The Deputy Director Matthew Willaims Presented **RZ-23-003, SLUP23-004 and SLUP23-005***

RZ23-003

Matthew Williams the deputy director stated that the application for RZ23-003 has been withdrawn by the applicant.

SLUP23-004

Commissioner Hawkins excused himself from making a decision on this case considering that the applicant is his neighbor as well as friend and he did not want there to be a conflict of interest.

3575 Trinity Place

Jeffrey Dickerson of Trinity Treehouse, LLC

Petitioner is seeking a Special Land Use Permit (SLUP) to construct a Short-Term Vacation Rental (STVR).

Facts and Background-

- Applicant had constructed a ADU (Accessory Dwelling Unit)
- Applicant desire to operate a Short-Term Vacation Rental (STVR) from the ADU
- Petition went through a Community Information meeting (CPIM) on September 14, 2023

Future Land Use- Rural Residential (RR) Character Area

Zoning- R-100 Residential Medium Lot

Overlay District- Arabia Mountain Conservation

Aerial Map and Street View-



Submitted Site Plan-



Sec. 4.2.3. – Accessory Dwelling Unit, Guesthouse, In-Law Suite.

- A. On parcels zoned for residential single-family dwellings as a principal use, an accessory dwelling unit may be allowed as one of the following:
 - 1. Attached (addition to existing building);
 - 2. Detached; or
 - 3. Within existing house (renovations to basements, wings or attics converted into separate living unit).
- B. The heated floor area of a dwelling unit shall not include the square footage of the garage.
- C. Attached and detached accessory dwelling units are permitted by right, subject to the following:
 - 1. The minimum lot size shall be 10,000 square feet.
 - 2. The accessory dwelling unit shall conform to applicable standards of the state, city and city building codes for residential units as principal uses.
 - 3. The property owner, who shall include titleholders and contract purchasers, must occupy either the principal dwelling unit or the accessory dwelling unit as their residence, and possess a homestead exemption.
 - 4. The appearance of the accessory dwelling unit shall be similar to that of the principal residence.
 - 5. Only one accessory dwelling unit of any type shall be permitted on a lot.
 - 6. Prior to issuance of a building permit for an accessory dwelling unit, an applicant must provide evidence to the director of planning showing that existing or proposed septic tank facilities, as applicable, are adequate to serve both the principal dwelling and the accessory dwelling unit.
 - 7. Any detached accessory dwelling unit shall be located in the Rear yard:
 - 8. A second kitchen facility may be constructed and used within a single-family residence.
 - 9. Paved off-street parking shall be provided for one additional vehicle.
 - 10. Accessory dwelling units shall not exceed 900 square feet of heated floor area and shall not exceed 24 feet in height.
 - 11. The main entrance shall not face the closest property line. Windows, doors, balconies, porches and decks shall be sited to ensure the privacy of neighbors.
 - 12. For parcels located in a designated historic district and individually designated historic structures, the placement of an accessory dwelling unit and its architectural design shall require a certificate of appropriateness from the historic preservation commission.

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 egress 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.

Staff Recommendation(s)

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

1. Applicant must comply and remain in compliance with Sec. 4.2.58. - Short term vacation rental;
2. No city permit for the operation of the short-term vacation rental shall be transferable will only be permitted for the owner/operator Jeffrey Dickerson;
3. Applicant must comply and remain in compliance with ARTICLE VII. - NOISE ORDINANCE;
4. Short-term rental units must be properly maintained and regularly inspected by the owner or agent to ensure continued compliance with applicable property maintenance, zoning, building, health, and life safety code provisions.
5. All marketing and/or advertising for short-term rental units must contain information concerning the occupancy limit of the short-term rental unit, and the maximum parking available on the property. Advertising for more than the allowable occupancy or allowable parking is prima facie evidence of a violation of the city code. Further, failure to include such occupancy limits and maximum parking availability is prima facie evidence of a violation of the city code.

Each Short-Term Vacation Rental (STVR) must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning.

Jeff Dickerson, the applicant was asked to come to the stand. He confirmed what was stated in the presentation. He also stated that within the last three years the tree house has not had an impact on external aesthetics of the neighborhood, and any was and has gained positive attraction from past guests as well as some media outlets.

Chairman Hubbard made a motion to open public hearing. It was seconded by Commissioner Hollis and Moved by Unanimous vote.

James Smith the next-door neighbor came to the stand to speak in favor. He stated that he has not had an issue since the treehouse has been opened and stated that it was beautiful. The guest are not partiers but nature lovers.

Calvin Lawrence a resident of the neighbor came to the stand to speak in opposition. He stated this will set a precedence and that it is against the covenant which does not allow Air bnbs. He is worried about when the next person comes (owner of the main home) they may not operate the way the applicant does.

Greg Flanigan a resident of the neighborhood poke in opposition. He stated that the covenant does not allow Airbnbs It only takes one incident for one person to come into the neighborhood and kill, rob, etc. It sets a precedent.

Gloria Gray, a resident of the subdivision spoke in opposition. She also stated that this will set a precedence for others in the neighborhood wanting to also operate an Airbnb and the subdivision will go from quiet into a business venture. Her property is her biggest asset.

Jeff Dickerson came back to the stand for a rebuttal. If the treehouse were to be under another owner the new owner will have to also go through the SLUP process. Short term rentals have to be 500ft distance from one another.

Public Hearing is closed.

Alicia Thompson the city attorney stated that HOA covenants can be enforceable when taken to the court level, but the ordinance of the city proceeds in this case

Chairman Hubbard seconded what the attorney stated.

Commissioner Hollis commented that the treehouse has been in operation for three years and there weren't any concerns from HOA during that time. The applicant had to get several permits.

Chairma Hubard made a motion to **APPROVE** the application, it was seconded by Commissioner Hollis, and **APPROVED** by unanimous vote (Excluding Commissioner Hawkins)

RZ23-003

Alicia Thompson the city attorney suggested to vote on the withdrawal of this application.

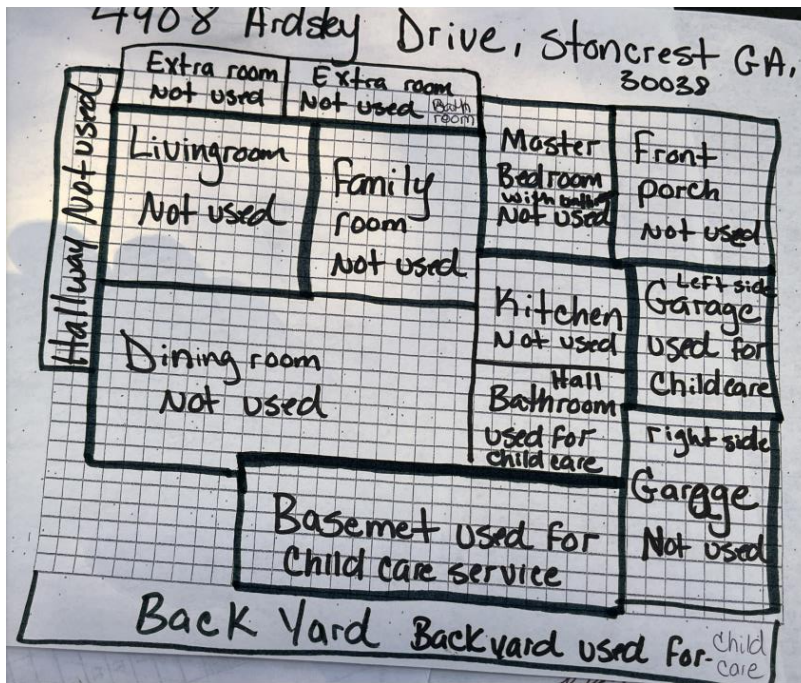
Chairman Hubbard made a motion to **WITHDRAW** this application, it was seconded by Commissioner Hollis, and **WITHDRAWN** by unanimous vote.

SLUP23-005

4908 Ardsley Drive

Teshaye Lowe of Helping Hands Child Service

Petitioner is seeking a Special Land Use Permit (SLUP) to operate childcare service as a Type II Home Occupation.



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](#).

Sec. 4.2.41. – Personal Care Homes and Child Caring Institutions

D. *Child Care Home, and Child Care Facility 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 child care home, facility. If owned by an individual, the individual owner must reside in the child care home, or child care facility.
2. No child care home, or child care facility shall be located within 1,500 feet of another child care home or child-care facility. The 1,500-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 child care homes, or child care facilities are located.
3. Each child caring home, and child care facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution 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.
4. Child Care homes and Child Care facilities are not permitted in Multi-family dwellings.
5. No child caring home, facility 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.
6. Each child care home, facility shall meet the minimum state requirements for playground size, location, and fencing.

E. *Child Care Homes, (up to five children).*

1. Each group child 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](#).

F. *Child Care Facility (six or more children).*

1. Two copies of the complete architectural plans of the subject community child caring institution, signed and 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 child caring institution must provide at least one-half parking spaces for each employee and resident and must comply with any applicable requirements in [article 6](#).

Staff Recommendation(s)

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

1. Applicant must comply and remain in compliance with [Sec. 4.2.31. - Home occupations and private educational uses](#);
2. Applicant must comply and remain in compliance with all International Building Code regarding care facilities within a dwelling;
3. No city permit for the operation of the short-term vacation rental shall be transferable will only be permitted for the owner/operator Teshaye Lower and Nathaniel Lowe;
4. A City of Stonecrest business license is required before operating the Childcare Service;
5. No parking is permitted on the street or on lawn area of subject property;
6. No child shall remain at the subject property for no more than 12 (twelve) hours per day; and
7. Play area shall be secured and not easily accessible to the public.

Commissioner Walker asked about the definition of a type 2 home occupation and who regulates the rules for this type of operation

Matthew Williams Explains that with a type 1 home occupation does not allow customer contact while type 2 allows customer contact. For the seconded question he stated that it is a collaborative effort amongst man city departments.

Commissioner Walker asked about the amount of childcare services in the area and if there is a future use for the vacant areas in the diagram

Matthew Williams states that there is a distance requirement, and the applicant will have to answer the second question

Commissioner Hollis asked about the number of children allowed and age range.

Matthew Williams the deputy director stated that she can have up to six children.

Teshaye Lowe the applicant came to the stand. She stated that the age range is 1-8. She also showed the council what areas in her home are used for the childcare.

She stated that she watches up to six kids which is also an allowance through her degree.

The parents have to bring the children's lunch, but she prepares snacks (am and pm)

Hours of operation is 8am- 5pm

Some of the children live in the neighborhood others are from a school she previously used to teach at

She is aware and is in agreement with the conditions from the planning department.

Ernie Spikes a neighbor of fifteen years came to speak in support of her application. He stated that she is a great person for this type of business, and he has even found iPads to donate to her for the school. They neighbors are pretty supporting of one another.

Public Hearing is closed.

Commissioner Walker asked if the backyard was fenced in and the years of operation.

Teshaye Lowe stated that it is a requirement to have a fenced in backyard and that she has been in operation for one year.

Commissioner Hawkins talked about his positive experience with a smaller daycare he had when his children were young.

Chairman Hubbard also had a positive experience with one when his children were young

Chairman Hubbard made a motion to APPROVE the application. It was seconded by Commissioner Hollis and APPROVED by unanimous vote.

XI. Announcements:

The next meeting for the applicants is the City Council meeting hosted on October 23rd at 6 pm in the same location.

The next Planning Commission Meeting will be held on November 8th due to the upcoming election.

Welcome Commissioner Erica Williams of District 1

Motion to adjourn **Moved**

The meeting ended at 7:00 PM

APPROVED:

Angie S. Falkner

11-8-2023

CHAIRMAN

Date

ATTEST:

Cobi Brown

11/13/23

SECRETARY

Date