

Raymond White  
Director  
Planning and Zoning  
Department



Matthew  
Williams  
Deputy Director  
Planning and  
Zoning  
Department

**TO:** Planning Commission

**FROM:** Planning and Zoning Department

**SUBJECT:** SLUP22-016

**ADDRESS:** 1352 Regal Heights Drive

**MEETING DATE:** September 5, 2023

**SUMMARY:** Applicant is seeking a Special Land Use Permit to operate a Personal Care Home, Group.

**STAFF RECOMMENDATION:** Approval with conditions

**PLANNING COMMISSION RECOMMENDATION:** TBD



SLU22-016

Planning and Zoning Department

**District #1: Tammy Grimes**

<b>PROPERTY INFORMATION</b>	
<b>Location of Subject Property:</b> 1352 Regal Heights Drive	
<b>Parcel Number:</b> 16 131 01 041	
<b>Road Frontage:</b> Regal Heights Dr	<b>Total Acreage:</b> 0.81 +/-
<b>Current Zoning:</b> R-100 (Residential Medium Lot)	<b>Overlay District:</b> N/A
<b>Future Land Use Map/ Comprehensive Plan:</b> SUB (Suburban)	
<b>Zoning Request:</b> Applicant is seeking a Special Land Use Permit to operate a Personal Care Home, Group	
<b>Zoning History:</b> N/A	

<b>APPLICANT / PROPERTY OWNER INFORMATION</b>
<b>Applicant Name:</b> Stella Akolade
<b>Applicant Address:</b> 1352 Regal Heights Drive Lithonia, GA 30058
<b>Property Owner Name:</b> Stella Akolade
<b>Property Owner Address:</b> 1352 Regal Heights Drive Lithonia, GA 30058



## DETAILS OF ZONING REQUEST

Since the city's incorporation, the site has been zoned R-100 (Medium Lot Residential). The subject property is currently development as a single-family detached dwelling. The applicant is proposing to operate a Personal Care Home, Group which is classified as a Type II Home Occupation. The property has a frontage on Regal Heights Drive.

The existing structure is a two-story dwelling. There's the kitchen, dining, family room, office, and attendant's room located on the first/main floor. One the second level there resides three (3) bedrooms, which includes the two (2) bathrooms. The total square footage is approximately 2478 sq. ft.

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 Zone land use designation. The Suburban 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 4.2.41 (Personal care homes and child caring institutions) elaborates on the rules and regulations that applicants must abide by when operating Personal Care Homes. General requirements for all person care homes are:

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 Chapter 27 (Zoning Ordinance).
5. No city permit for the operation of the personal care home shall be transferable.

Requirements for Personal Care Home, group (up to six persons) must comply with the following:

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.

**ADJACENT ZONING & LAND USE**

<b>NORTH</b>	<b>Zoning:</b> RSM (Small Lot Residential Mix)	<b>Land Use:</b> Single-Family Dwelling
<b>SOUTH</b>	<b>Zoning:</b> R-100 (Residential Medium Lot)	<b>Land Use:</b> Single-Family Dwelling
<b>EAST</b>	<b>Zoning:</b> R-100 (Residential Medium Lot)	<b>Land Use:</b> Single-Family Dwelling
<b>WEST</b>	<b>Zoning:</b> R-100 (Residential Medium Lot)	<b>Land Use:</b> Single-Family Dwelling



**PHYSICAL CHARACTERISTICS & INFRASTRUCTURE**

The site is an existing single-family dwelling with one (1) road frontage (Regal Heights Drive).

**SPECIAL LAND USE PERMIT ZONING CRITERIA**

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 use
8. 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;



<p><b>11.</b> Whether the proposed use is consistent with the policies of the comprehensive plan;</p>
<p><b>12.</b> 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;</p>
<p><b>13.</b> Whether there is adequate provision of refuse and service areas;</p>
<p><b>14.</b> Whether the length of time for which the special land use permit is granted should be limited in duration;</p>
<p><b>15.</b> 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;</p>
<p><b>16.</b> Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources;</p>
<p><b>17.</b> Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit;</p>
<p><b>18.</b> 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</p>
<p><b>19.</b> 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.</p>

**RECOMMENDATION**

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

1. Applicant must comply and remain in compliance with [Sec. 4.2.41. - Personal care homes and child caring institutions](#); and
2. Applicant must comply and remain in compliance with all International Building Code regarding care facilities within a dwelling.



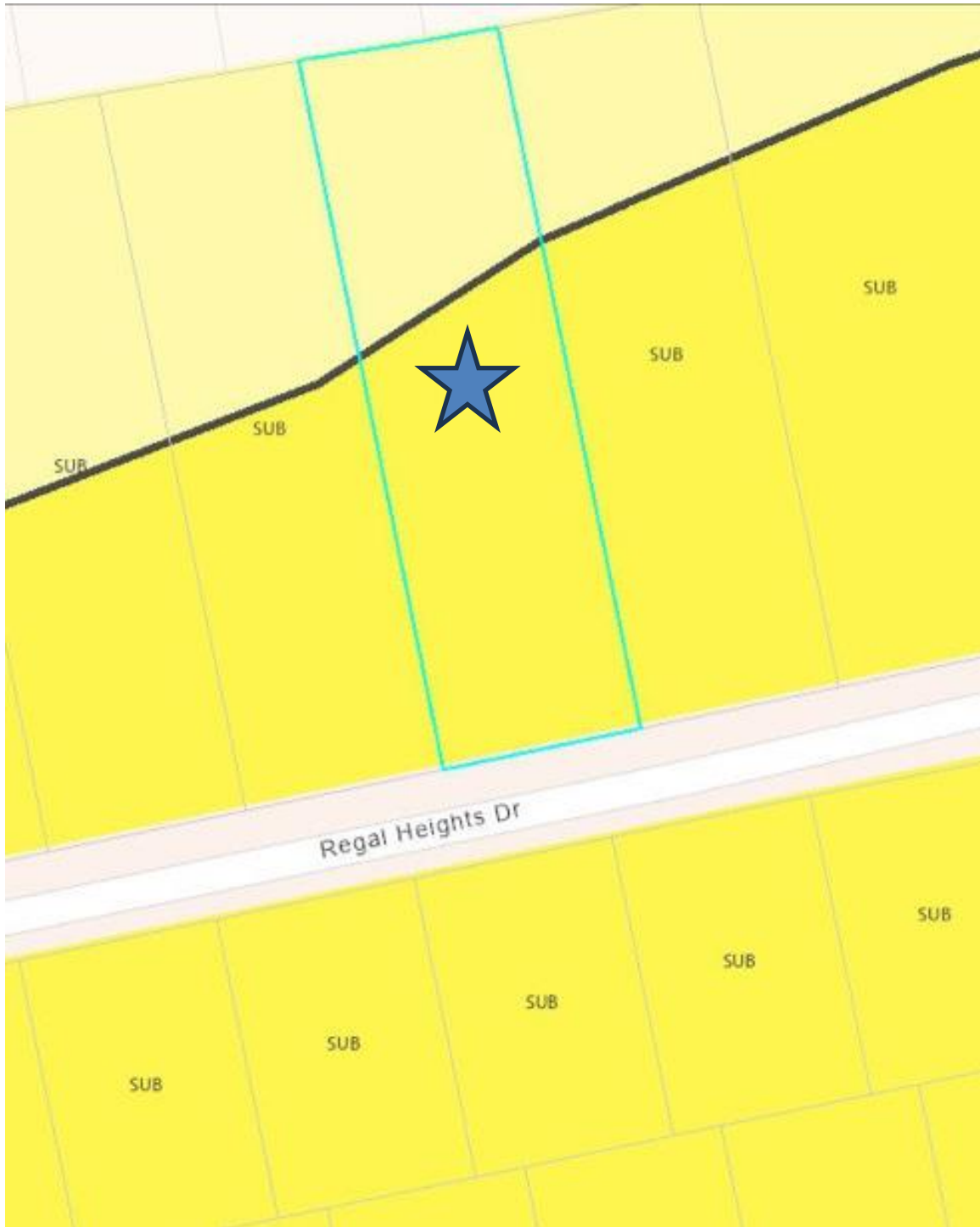
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**Attachments Included:**

- **Future Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Site Plan/Survey**
- **Letter of Intent**

## Future Land Use Map







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## **Suburban Neighborhood (SN)**

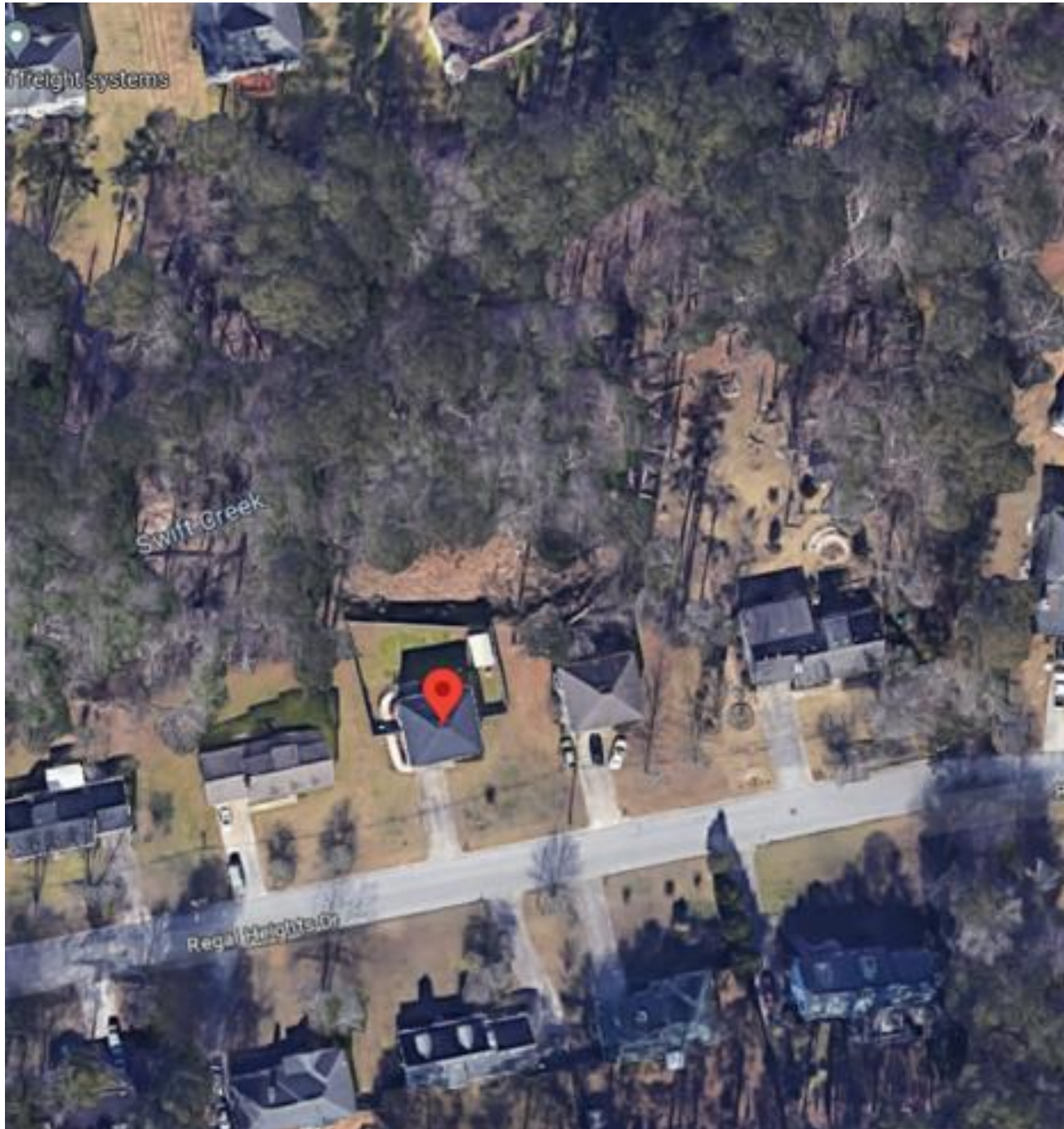
The intent of the Suburban Neighborhood character area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under 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

**R-100**

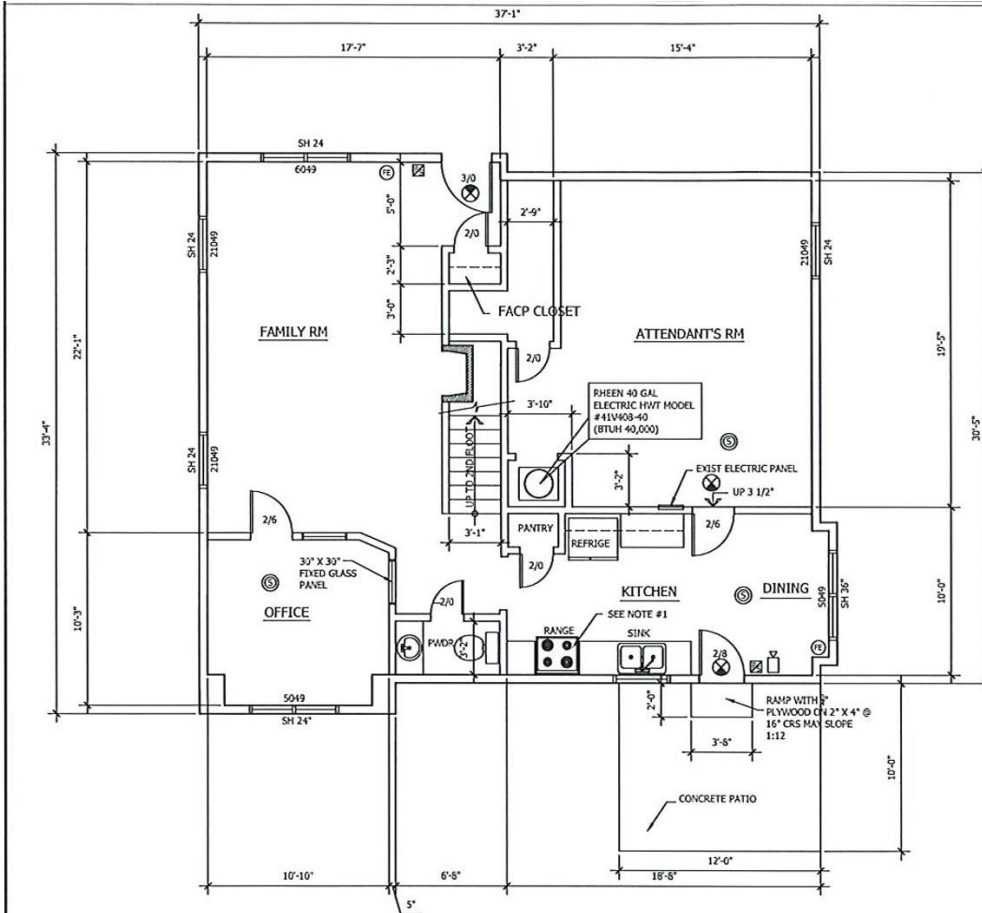


## Aerial Map





# Submitted Site Plan



**1ST FLOOR - FIRE PROTECTION & LIFE SAFETY PLAN**

SCALE: 1/4" = 1'-0"

**GENERAL NOTES**

1. ALL WORK SHALL BE PERFORM IN ACCORDANCE WITH ALL APPLICABLE NATIONAL, STATE AND LOCAL CODES, REGULATIONS AND FHANA FPS.
2. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE SITE BEFORE BEGINNING CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO MACTEC DESIGN & ASSOCIATES FOR CLARIFICATION AND OR CORRECTION BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ERRORS THAT ARE NOT REPORTED.
3. ALL ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH CIVIL, STRUCTURAL, MECHANICAL AND ELECTRICAL ENGINEERING AND ANY OTHER COMPONENT ENGS SUPPLIED BY VENDORS.

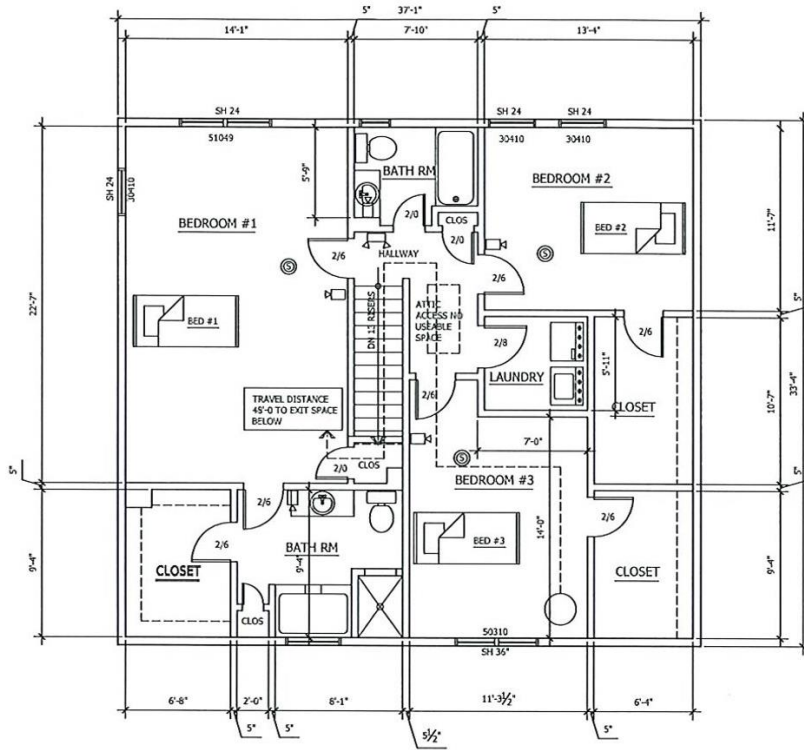
**FIRE PROTECTION & LIFE SAFETY LEGEND**

SYMBOLS	DESCRIPTION	NOTE
	EXIT LIGHT-DARKEN QUADRANT INDICATES FACE WITH ARROW	NOTE: OPERATE ON A NORMAL ELECTRICAL CIRCUIT WITH BATTERY BACK-UP POWER.
	EXIT/EMERGENCY LIGHTING FIXTURE	NOTE: OPERATE ON A NORMAL ELECTRICAL CIRCUIT WITH BATTERY BACK-UP POWER.
	ALARM BELL OR SIREN (STROBE LIGHT W/HORN)	
	FULL STATION AS PER NFPA 72	
	SMOKE DETECTOR	
	SPRINKLER HEAD (SUITE NOT SPRINKLED)	
	COMPUTERIZED FIRE ALARM CONTROL PANEL	
	FIRE EXTINGUISHER AS PER NFPA TABLE 5.5.5 (2018 EDITION)	
	CARBON MONOXIDE DETECTORS	

\* NOT ALL SYMBOL ARE USED

NOTE #1  
OUTSIDE VENTED EXHAUST HOOD WITH ULL LISTED SUP-CONTAINED RESIDENTIAL FIRE SUPPRESSION SYSTEM WITH AUTOMATIC DISCONNECT OF THE FUEL SOURCE. "GUARDIAN MODEL G500-B OR EQUAL"

Designed By B. McFarlane	No. 	Date 	Revisions 	Sheet Title <b>FIRST FLOOR PLAN</b>	Project Name & Address <b>FIRE PROTECTION &amp; LIFE SAFETY 1352 REGAL HEIGHTS DRIVE LITHONIA 30058</b>	Client <b>MACTEC DESIGN GROUP LLC</b> P.O. BOX 1778 Conyers GA 30012 Fax 678-607-0546 Cell 678-862-2424 email beresmax@att.net	Job No. <b>A2</b>
Drawn By B. McFarlane							
Date MAY 13, 2023							
Scale As Shown							



**GENERAL NOTES**

1. ALL WORK SHALL BE PERFORM IN ACCORDANCE WITH ALL APPLICABLE NATIONAL, STATE AND LOCAL CODES, REGULATIONS AND NFPA/NFPA MFS.
2. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE SITE BEFORE BEGINNING CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO MACTEC DESIGN & ASSOCIATES FOR CLARIFICATION AND OR CORRECTION BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ERRORS THAT ARE NOT REPORTED.
3. ALL ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH CIVIL, STRUCTURAL, MECHANICAL AND ELECTRICAL ENGINEERING AND ANY OTHER COMPONENT DIAG SUPPLIED BY VENDORS.

FIRE PROTECTION & LIFE SAFETY LEGEND	
SYMBOLS	DESCRIPTION
	EXIT LIGHT-DARKEN QUADRANT INDICATES FACE WITH ARROW <small>NOTE: OPERATE ON A NOMINAL ELECTRICAL CIRCUIT WITH BATTERY BACK-UP POWER.</small>
	EXIT/EMERGENCY LIGHTING FIXTURE <small>NOTE: OPERATE ON A NOMINAL ELECTRICAL CIRCUIT WITH BATTERY BACK-UP POWER.</small>
	ALARM BELL OR SIREN (STROBE LIGHT W/HORN)
	PULL STATION AS PER NFPA 72
	SMOKE DETECTOR
	SPRINKLER HEAD (SUITE NOT SPRINKLED)
	COMPUTERIZED FIRE ALARM CONTROL PANEL (NOT USED)
	FIRE EXTINGUISHER AS PER NFPA TABLE 5.5.5 (2018 EDITION)
	CARBON MONOXIDE DETECTORS

• NOT ALL SYMBOL ARE USED

**SECOND FLOOR - FIRE PROTECTION & LIFE SAFETY PLAN**

SCALE: 1/4" = 1'-0"

Designed By	B. McFarlane	No	Date	Revisions	Sheet Title	Project Name & Address	Job No	
Drawn By	B. McFarlane				SECOND FLOOR PLAN	FIRE PROTECTION & LIFE SAFETY 1352 REGAL HEIGHTS DRIVE LITHONIA 30058	MACTEC DESIGN GROUP LLC P.O. BOX 1778 Conyers GA 30012 Fax 678-607-0546 Cell 678-862-2424 email beresmax@att.net	
Date	MAY 13, 2023							Sheet No
Scale	As Shown							<b>A3</b>



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## Letter of Intent

STELLA OREKOJA AKOLADE  
1352 REGAL HEIGHTS DR  
LITHONIA, GA 30058  
July 6<sup>th</sup>, 2022

LETTER OF INTENT

This is to apply for a special <sup>Land</sup> Administrative Permit to operate a home-based business at the above address.

The intent business is Personal care home, this is to house and care ~~for~~ <sup>for</sup> individuals with IDD (Intellectual Developmental Disabilities). Care givers will be visiting to attend and care for them while they are being cared for.

I will be attending to them in the home.

Thanks  
Stella O. Akolade