



TO: Planning Commission

FROM: Planning and Zoning Department

SUBJECT: SLUP23-011

ADDRESS: 5924 Fairington Farms Lane

MEETING DATE: January 2, 2023

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: TBA

District #3: Councilwoman Alecia Washington

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

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;
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)

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

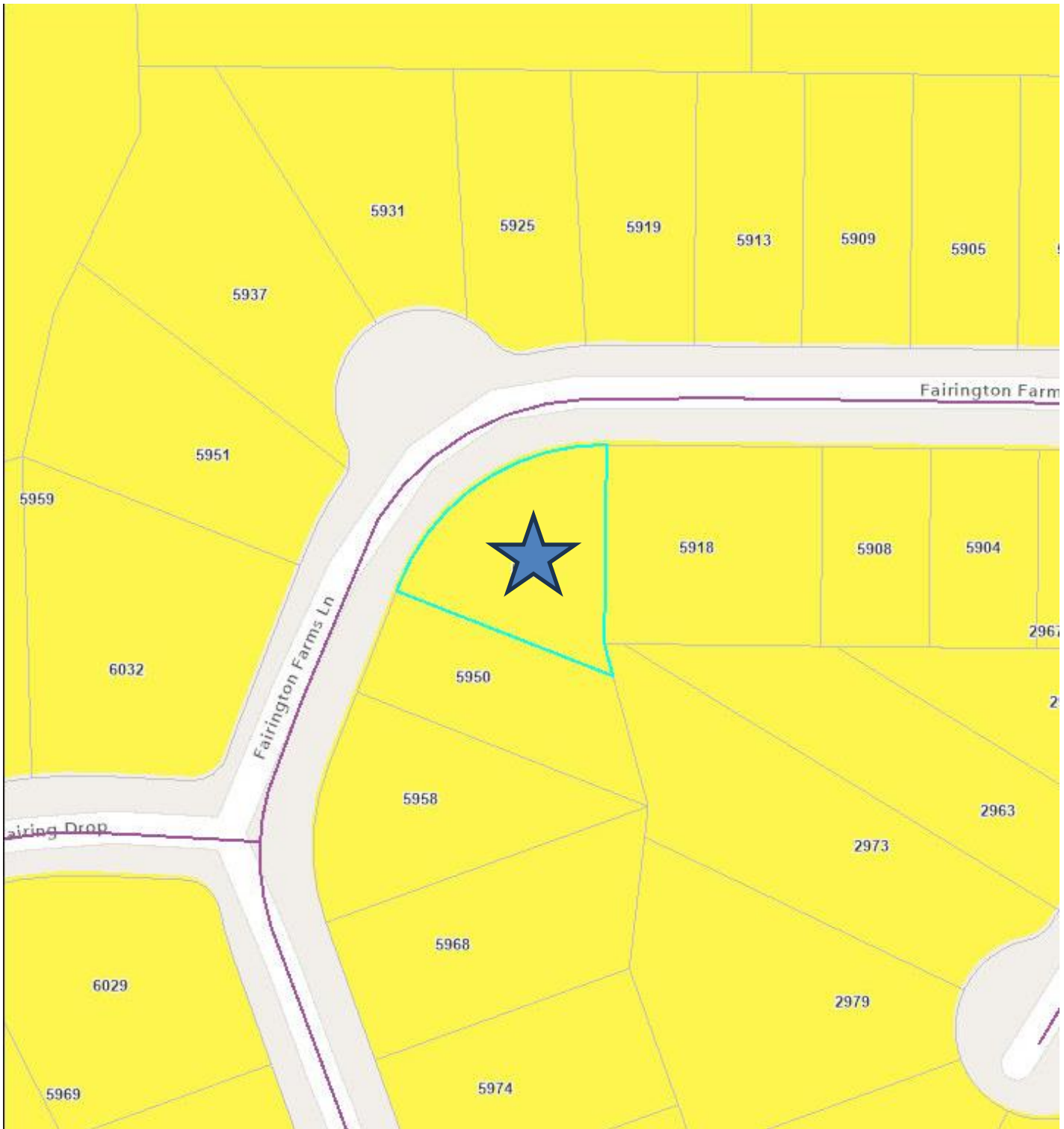
erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises);

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.

Attachments Included:

- **Future Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Site Photo**
- **Floor Layout**
- **Letter of Intent**

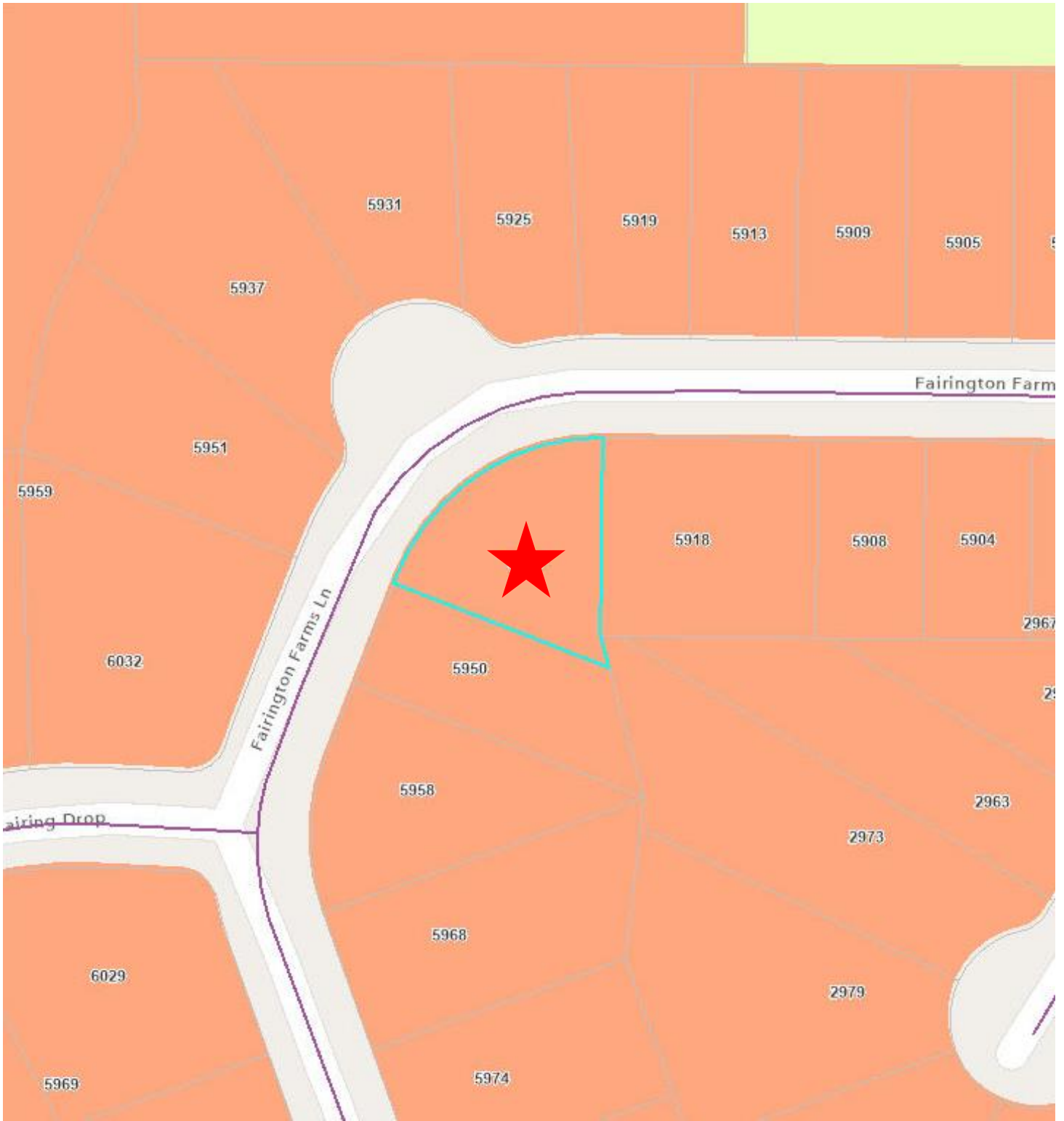
Future Land Use Map | Suburban Neighborhood (SN)



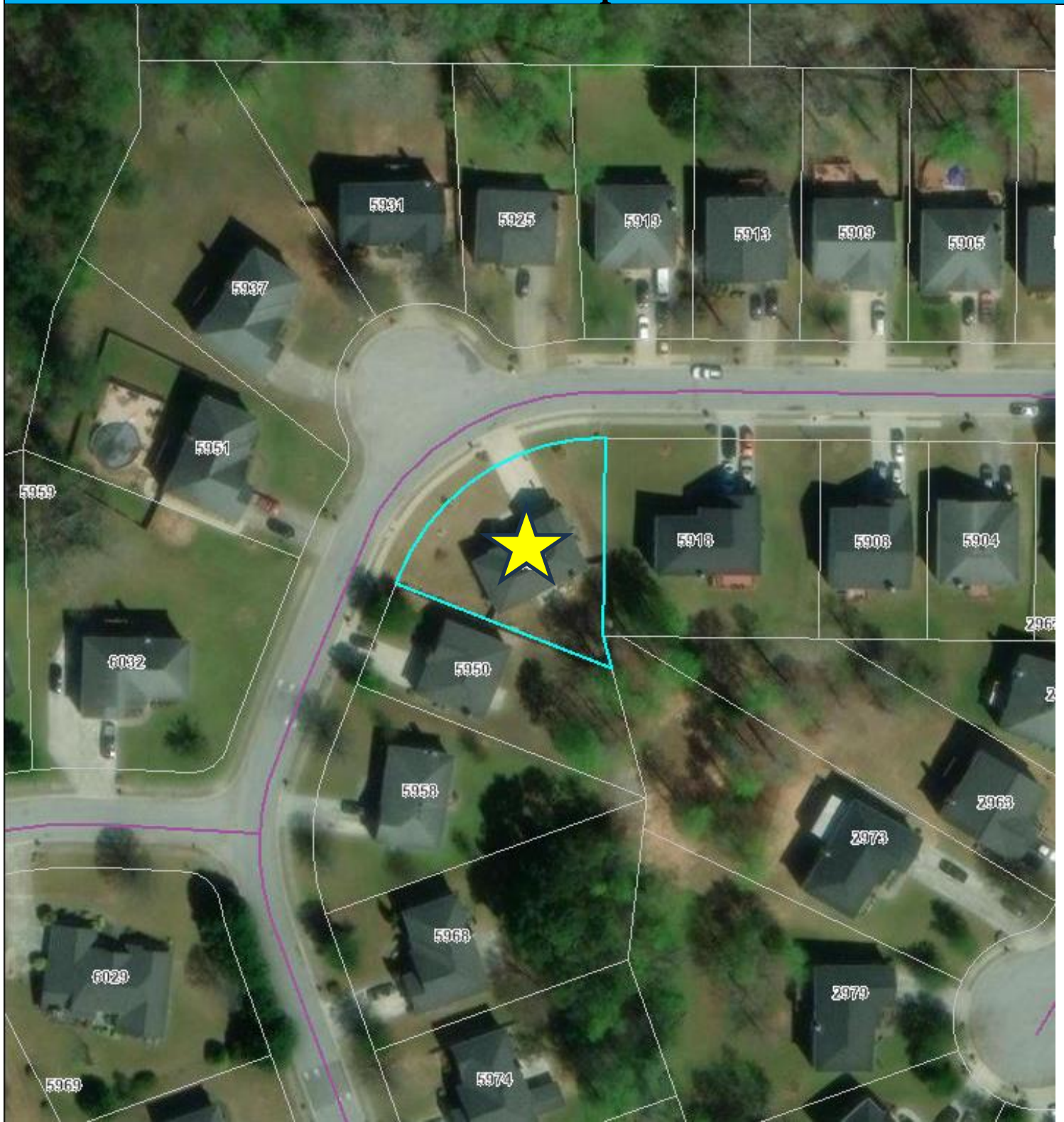
Suburban Neighborhood (SN)

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



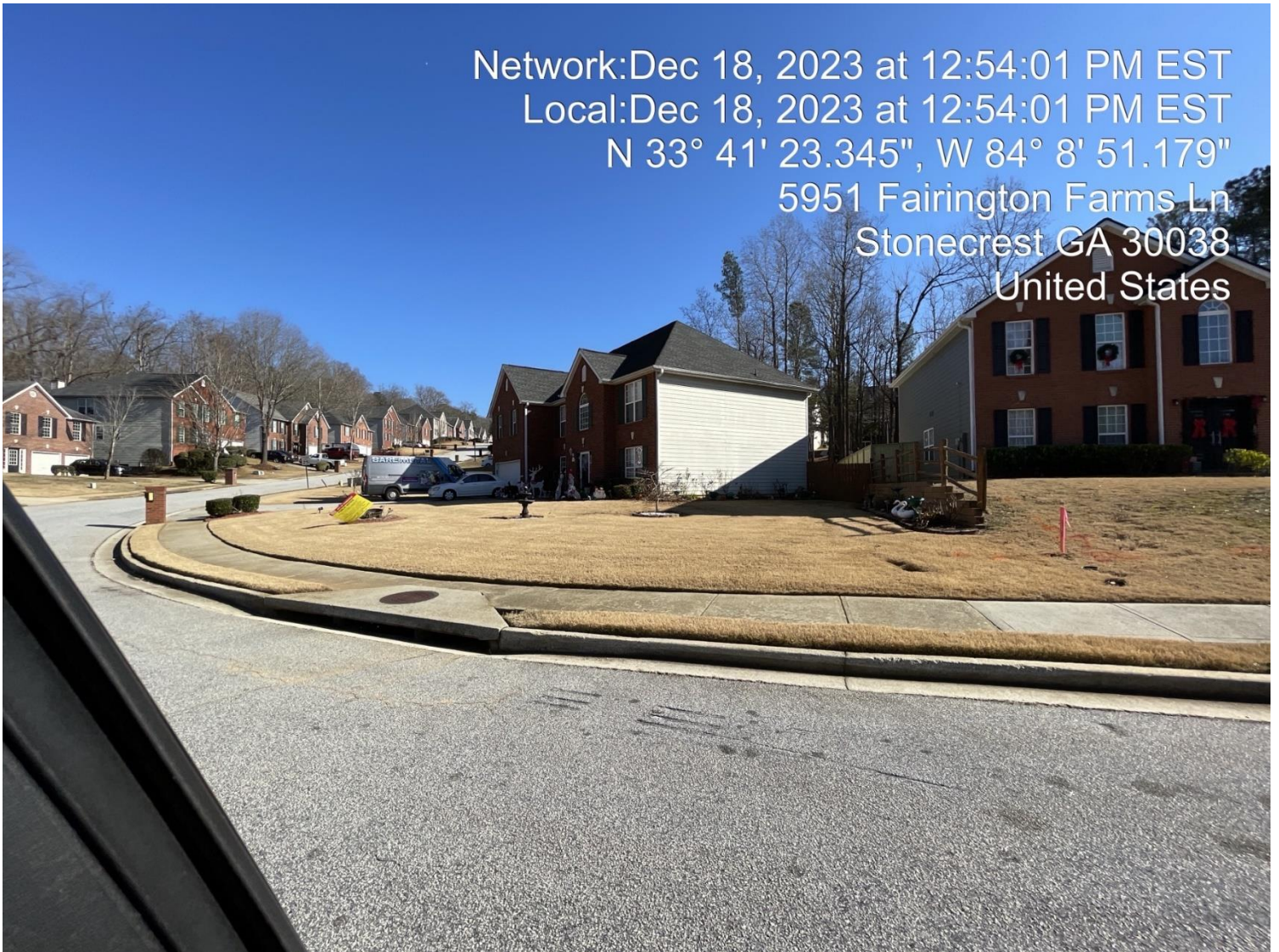
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Local: Dec 18, 2023 at 12:52:40 PM EST
N 33° 41' 23.747", W 84° 8' 50.638"
5924 Fairington Farms Ln
Stonecrest GA 30038
United States





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.

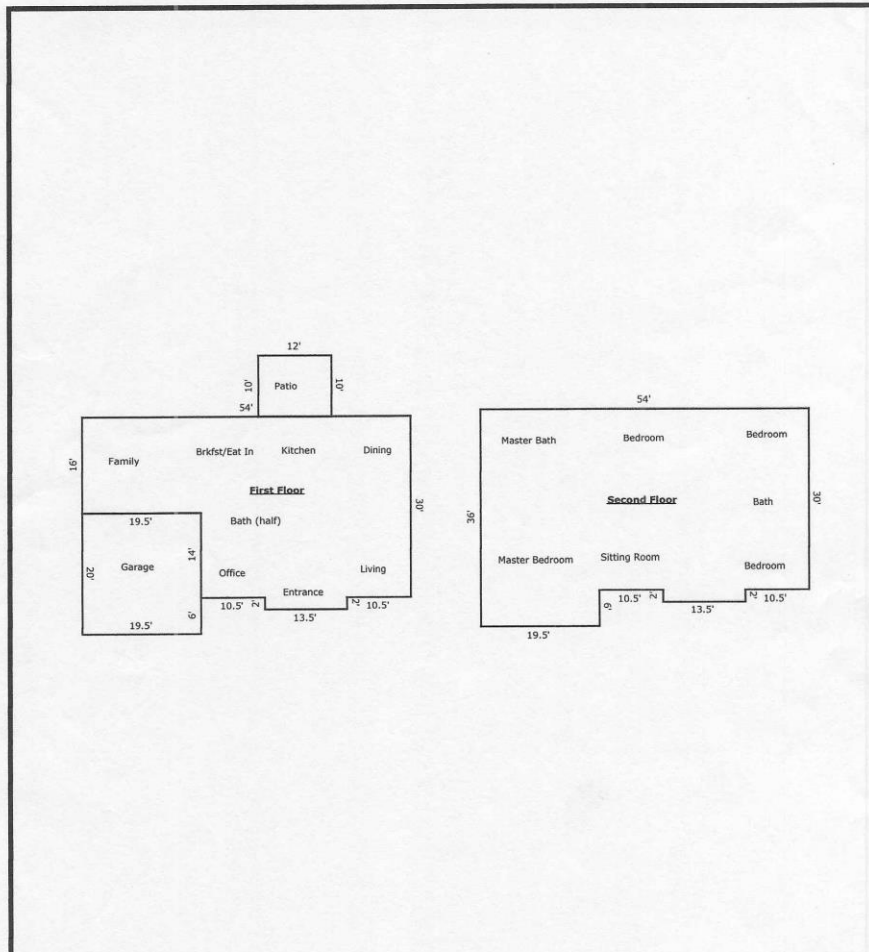
Pam Sturno

Deputy Commissioner for Child Care Services

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				



TOTAL Sketch by a la mode, inc.

Area Calculations Summary		Calculation Details
Living Area		
First Floor	1374 Sq ft	13.5 × 2 = 27 30 × 34.5 = 1035 16 × 19.5 = 312
First Floor	1764 Sq ft	13.5 × 2 = 27 30 × 34.5 = 1035 36 × 19.5 = 702
Total Living Area (Rounded):	3138 Sq ft	
Non-living Area		
2 Car Attached	390 Sq ft	19.5 × 20 = 390
Concrete Patio	120 Sq ft	12 × 10 = 120

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