

SLUP-22-007
6505 Charter Way

- **Agenda**
- **Staff Reports**
- **Application**
- **Public Participation Plan**
- **Environmental Site Analysis**
- **Details of Site Plan & Layout**
- **Cancellation of Security Deed**
- **Picture/Renderings**
- **Proof of Sign Posting**

PLANNING COMMISSION MEETING
Stonecrest City Hall - 6:00 PM **In-Person Meeting*
November 8, 2022



A G E N D A

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 their request via email address kjackson@stonecrestga.gov by noon the day of the hearing, November 8, 2022.

- I. Call to Order**
- II. Roll Call**
- III. Approval of the Agenda**
- IV. Presentations** - Presentation by Deputy Director Keedra Jackson, Planning and Zoning Department on department activities and upcoming cases.
- V. Approval of Minutes** - Planning Commission Meeting Minutes Summary dated October 4, 2022
- VI. Old Business:** N/A

Public Hearing(s):

LAND USE PETITION: SLU22-007
PETITIONER: Tonette Spencer
LOCATION: 6505 Charter Way, Stonecrest, GA 30058
PROPOSED AMENDMENT: To seek a special land use permit to operate a short-term rental

LAND USE PETITION: SLU22-008
PETITIONER: Charmaine Hancock
LOCATION: 3434 Bleckley Drive, Lithonia, GA
PROPOSED AMENDMENT: To seek a special land use permit to operate a short-term rental

LAND USE PETITION: SLU22-009
PETITIONER: Beris and Meveta Henry
LOCATION: 1805 Spring Hill Cove, Lithonia, GA
PROPOSED AMENDMENT: To seek a special land use permit for a personal care home

LAND USE PETITION: TMOD-22-012
PETITIONER: Planning & Zoning Department
LOCATION: City-Wide (C-1 and C-2 Districts)
PROPOSED AMENDMENT: To recommended zoning language at the request of the City in response to an applicant, in the City of Stonecrest, who desires to operate an “Animal Exhibition” as defined by the USDA “Animal Welfare Act and Animal Welfare Regulations”.

VII. Adjournment



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-007

Planning Commission November 8th, 2022 / Mayor and City Council Meeting January 23rd, 2022

GENERAL INFORMATION

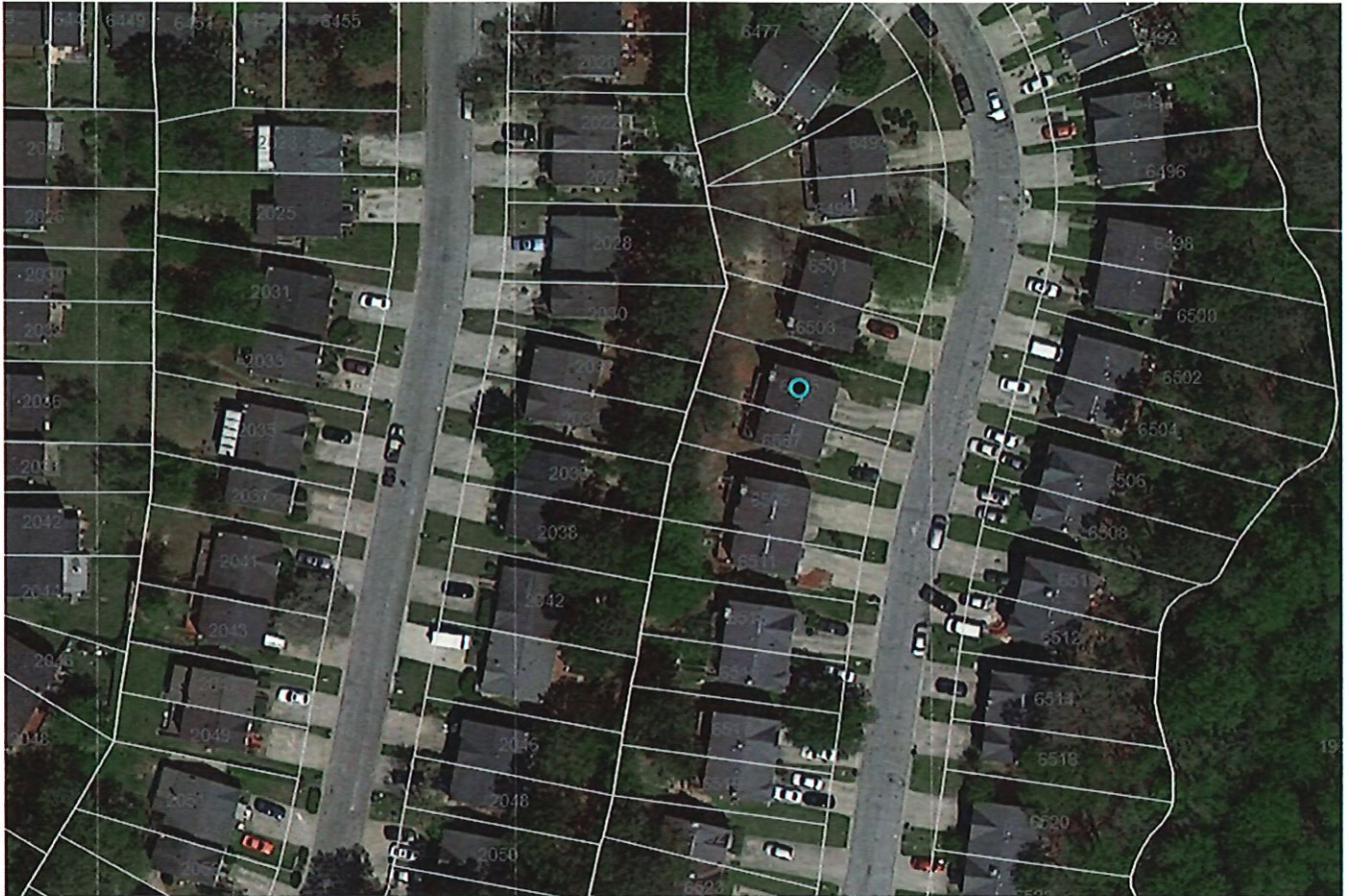
Petition Number:	SLUP-22-007
Applicant:	Tonette Spencer
Owner:	Robert Peterson
Project Location:	6505 Charter Way
District:	District 1
Acreage:	0.07 acres
Existing Zoning:	MR-1 (Residential Medium Lot) District
Proposed Request:	Special Land Use Permit to operate as a short-term rental.
Comprehensive Plan Community:	Suburban
Area Designation	Suburban
Staff Recommendations:	<i>Approved with Conditions</i>
Planning Commission:	<i>N/A</i>



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-007

Aerial Map



ZONING CASE: SLU-22-007

ADDRESS: 6505 CHARTER WAY, STONECREST, GA 30058

PARCEL NUMBER: 16 123 06 182

CURRENT ZONING: MR-1 (MEDIUM DENSITY RESIDENTIAL)

FUTURE LAND USE: SUBURBAN



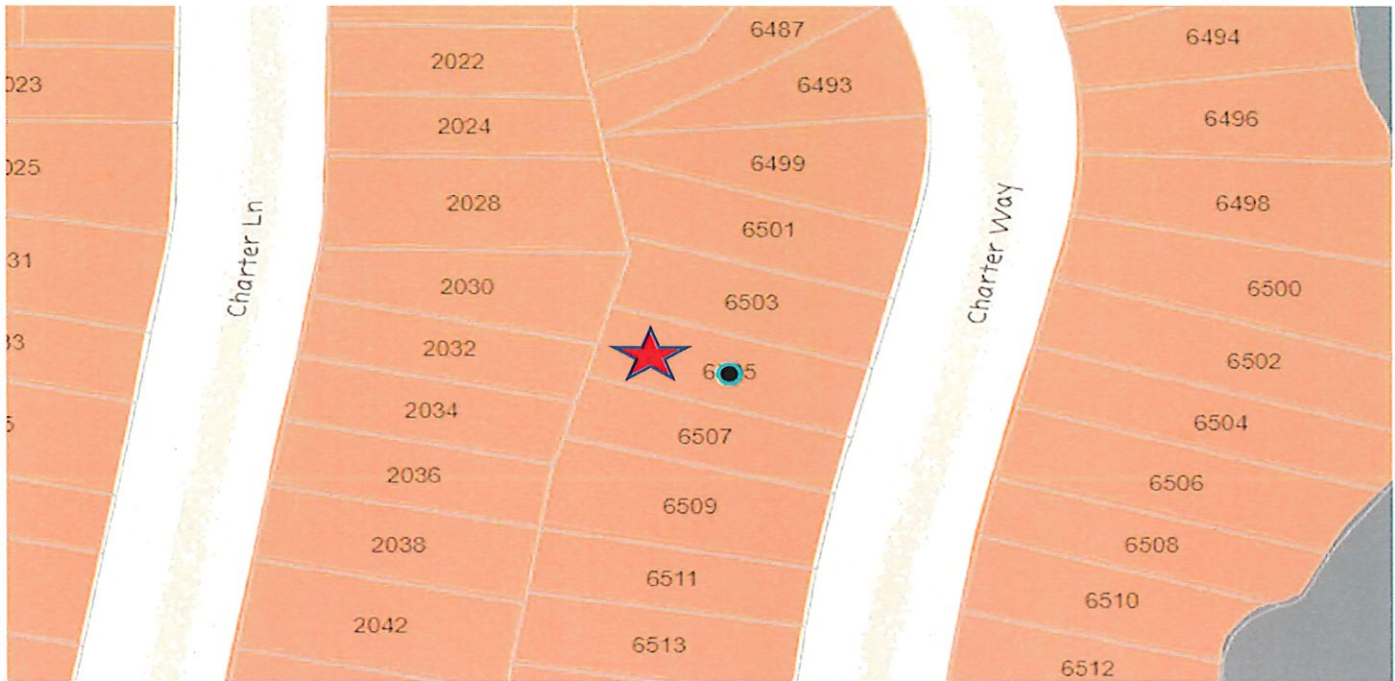
SUBJECT PROPERTY

Zoning Map



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-007




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ADDRESS: 6505 CHARTER WAY, STONECREST, GA 30058

PARCEL NUMBER: 16 123 06 182

CURRENT ZONING: MR-1 (MEDIUM DENSITY RESIDENTIAL)

FUTURE LAND USE: SUBURBAN

 SUBJECT PROPERTY



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-007



PROJECT OVERVIEW

Location

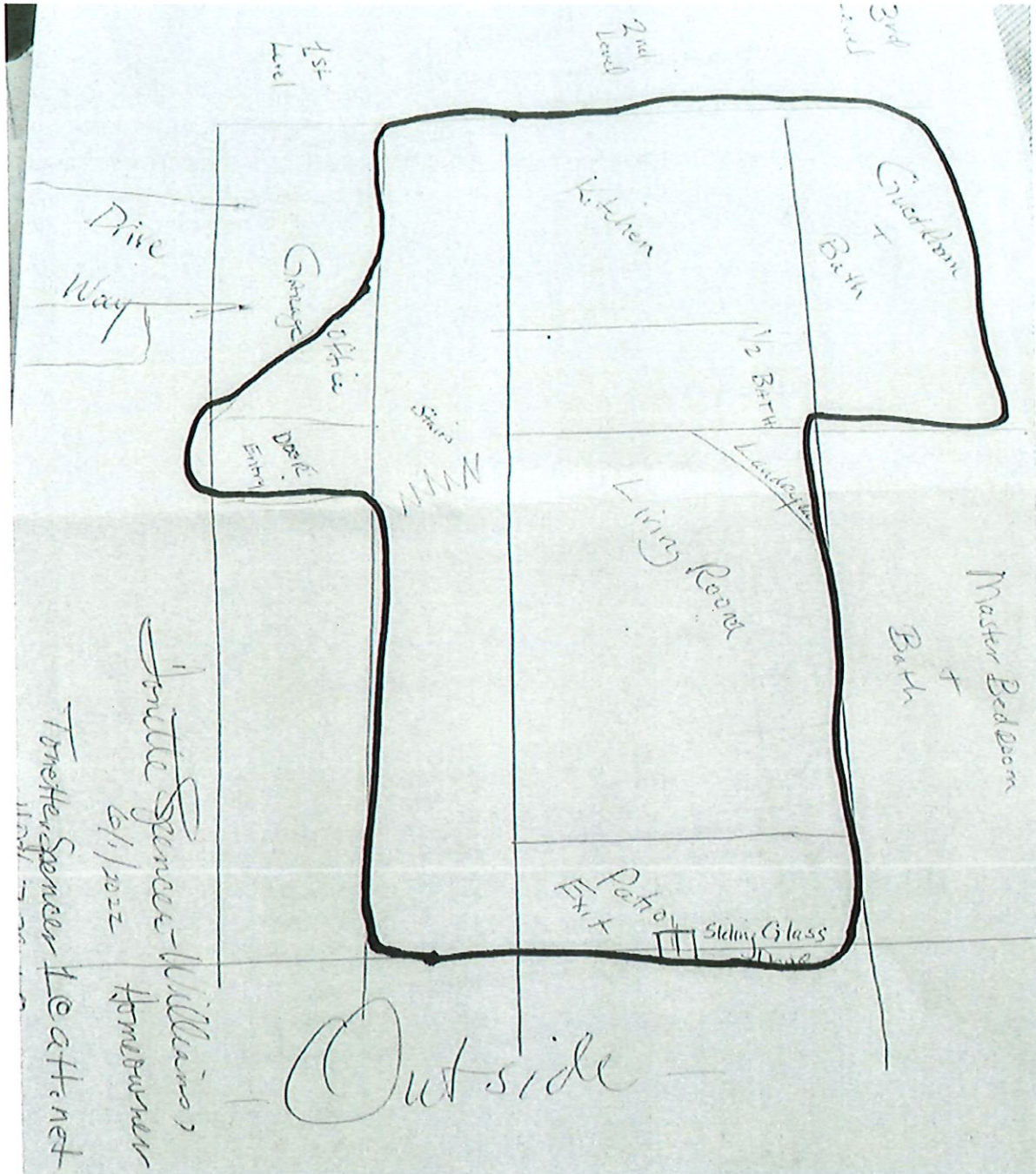
The subject property is located at 6505 Charter Way in the Marbut Commons Subdivision. The property is bounded by residential development on all sides.

Description and Background

The subject property was constructed in 1997. It consists of a two-story, traditional frame house of 1360 square feet in size. It has 2 bedrooms and 2 ½ baths. The house is accessed via an apron concrete driveway fronting a one-car garage.

Currently, the property has kept its original zoning classification of MR-1 (Medium Density Residential) under Stonecrest Zoning Ordinance. The property was developed in part of a plan development for the Marbut Commons Subdivision.

Interior Floor Plan





PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-007

Elevations





PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-007

Public Participation

Property owners within 1000 feet of subject property were mailed notices of the proposed rezoning in October. The community meeting was held on October 13th, 2022, at 6:00 pm at via zoom.com. Only the applicant was in attendance.

CRITERIA OF REVIEW

Section 7.4.6 of the Stonecrest Zoning Ordinance list nineteen factors to be considered in a technical review of a special land use permit completed by the Community Development Department and Planning Commission. Each criterion is listed with staff analysis.

- A. Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use, including the 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 1,360 square foot house on 0.07 acres is adequate for the operation of a short-term rental. The use will meet all other applicable requirements of the zoning district in which the usage is proposed.

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

The proposed use of short-term rental is located in a residential development. The proposed use will be compatible with other properties and land uses in the district.

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

There are adequate public services, public facilities, and utilities to sever the proposed use.

- 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.**



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SLUP-22-007

Charter Way is classified as a local street, the staff does have concern the public road may not have enough traffic capacity for the proposed use and may cause traffic and congestion in the area.

- E. Whether existing land uses located along access routes to the site will be adversely affected by the vehicles' character or the volume of traffic generated by the proposed use.**

The existing land use located along the access routes to the site would not be adversely affected by the vehicles' character or the volume of traffic generated by the proposed use. Charter Way is designed to handle a low impact volume of traffic.

- 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 a fire or another emergency.**

The site's existing residential structure is accessed by vehicles via a concrete apron cut with driveway on Charter Way. Emergency vehicles can access the site from the existing driveway.

- 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 will not create an adverse impact upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use. The residential use will not change as the applicant will operating as a short-term rental.

- 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 is not expected to create an adverse impact upon any adjoining land use because of the hours of operation. The property sits in an existing residential development.

- 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 proposed use will not create an adverse impact upon any adjoining land use because of the manner of operation. The existing use as a residential dwelling will not change, only the occupancy will change monthly.

- 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 consistent with the zoning district classification requirement in which the use is proposed to be located.

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



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The proposed use of short-term rental is a use consistent with the policies of the comprehensive plan. Located in the Suburban character area, the character area policy states residential dwelling as an appropriate land use.

- 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 will not require a buffer zone and transitional buffer zone.

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

The applicant will provide an adequate refuse and service area.

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

Staff believes there shall be a limit of one year of the special land use duration due to the historical nature of this use in a residential setting.

- 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 proposed use will not change any exterior design of the existing building. The current building is the appropriate size for the subject property and in relation to the size, scale, and massing of the nearby houses.

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

This use will not adversely affect any historic buildings, sites, districts, or archaeological resources.

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

The proposed use submitted to Staff has met all the requirements within the supplemental regulation Sec 4.2.58 set forth by the zoning ordinance.

- 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 subject property is existing and does not exceed the height of nearby residential structures. The existing building would be similar to the building height abutting the property located in the immediate area. There will be no negative shadow impact on any adjoining lot.

- 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.**



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The proposed use is compatible with the surrounding area and would not conflict with the overall objective of the comprehensive plan.

STAFF RECOMMENDATION

Base on the findings and conclusions, it appears the applicant does meet all the criteria for approval. Therefore, Staff recommends *Approval of SLUP-22-007 with the following condition:*

1. The maximum overnight occupancy of a short-term rental shall be limited to two (2) persons for each bedroom, plus three (3) additional persons. The number of bedrooms shall be based upon the DeKalb County Tax Assessor's residential profile of the property, and other documents of record, as needed. In no case shall the maximum total occupancy for any dwelling unit exceed the occupancy limits permitted by the state and local fire and building codes.
2. Between the hours of 10 PM and 7 AM, the occupancy load of the unit may not exceed the maximum allowed number of overnight tenants.
3. Compliance with the Stonecrest Noise Ordinance.
4. 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.
5. 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.
6. No external signage may be permitted on the property.
7. Parked vehicles:



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SLUP-22-007

- Shall not be parked on the city right-of-way or along any roadways at any time; and
 - Shall be parked outdoors on the property only on designated hard surfaced areas with concrete or asphalt surfacing; and shall not be permitted outside such hard-surfaced areas (i.e., no parking in yards or neighbor's properties).
8. Capacity shall be subject to the approval of the Fire Marshal's Office
 9. If, during the first one year period, a short-term rental unit becomes in violation of any zoning, building, health or life safety code provision, the special land use becomes void at the completion of one year.
 10. The Special Land Use Permit is not transferable and will only be permitted for the owner/operator Tonette Spencer.



For Immediate Release
November 2, 2022

DeAllous Smith
Director of Communications & Technology
(770) 224-0187
news@stonecrestga.gov

Stonecrest Approves Winery and Vineyard Ordinance

The ordinance allows winegrowers to apply for a special land use permit in Stonecrest.

Stonecrest, GA – The City of Stonecrest approved new rules that will allow wine-grape growers to produce and sell wine at their farms located in the Arabia Mountain overlay district. The City Council unanimously passed the ordinance during its October 24 meeting.

The new law states that producers must obtain a special land use permit before beginning operations. In addition, wineries and vineyards are only permitted within Stonecrest’s Arabia Mountain overlay district on parcels zoned R-100 and on at least 15 acres of land.

“The City of Stonecrest continues to support local initiatives important to our residents, especially those that ensure the continued growth and success of our economy,” said Mayor Jazzmin Cobble. “This law encourages a sustainable form of entrepreneurship that will help propel both the tourism and hospitality industries in Stonecrest. The revenues generated from this action will provide additional funding resources and allow us to invest in services and programs that benefit our residents and businesses.”

Under the ordinance, wineries are permitted one tasting room to distribute wine samples for onsite consumption. The tasting room may include a retail sales area to allow for the purchase of wine. The distribution and sale of alcohol must be in accordance with the state law.

Special and private events are allowed at wineries with the approval of City’s Planning and Zoning Department. However, activities unrelated to wine production must concluded daily no later than 11 p.m.

“Stonecrest is perhaps one of DeKalb County’s best-kept secrets. We are a community that offers unlimited opportunities,” added Cobble. “From its rolling hills to beautiful vistas, Stonecrest provides an incredible landscape for wine lovers and winegrowers to connect and engage with each other.”

###

About the City of Stonecrest

The City of Stonecrest is located in DeKalb County, Georgia. The City operates under a Council-Manager form of government. The City is minutes from downtown Atlanta and Hartsfield-Jackson International Airport. Stonecrest offers residents a live-work-play community. The City is known for shopping and restaurants in The Mall at Stonecrest area. Residents and visitors can explore nature or hiking trails and cycling opportunities in the area. For more information, visit: www.stonecrestga.gov.



* Need Notary

THE CITY OF STONECREST GEORGIA PRE-APPLICATION FORM

Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Planning & Zoning Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es) procedure(s) and fees required to process and review the application(s). To schedule a meeting contact a member of the Planning and Zoning Department by calling (770) 224-0200.

Meeting Date & Time: _____ Phone: 404-729-6842

Applicant/Representative Name: Tonette Spencer-Williams

Applicant/Representative Email: tonette.spencer1@att.net

Stie Address: 6505 Charter Way Stonecrest, GA 30058 Parcel ID #: 16 123 06-182

Previous Zoning & Case number(s): RM100 Current Zoning: _____

City Council District: 04 - Unincorporated Proposed Zoning: _____

Comprehensive Plan Character Area Map Designation: _____

Application Type: Rezoning Special Land Use Permit Variance Special Exception

Variance Type: Adminstrative Zoning Board of Appeals Stream Buffer

Overlay District: I-20 Stonecrest Arabia Mountain

Additional Studies: Trip Generation Report Traffic Impact Study
 Developmental of Regional Impact Review Environmental Impact Review
 Concept Plan Review

Proposal Description: Current home/I would like to have a Short Term Rental business from my home(Airbr
This will be a home business. My home is nice, warm and cozy and recently paid in full. I have lived here
home for over 20 years.

Meeting Participants: _____

Applicant/Representative Signature: Tonette Spencer-Williams Date: 7/15/2022

Director/Planner Signature: _____ Date: _____



Special Land Use Permit Application

Applicant Information	Name: <u>Tonette Spencer-Williams</u>			
	Address: <u>6505 Charter Way Stonecrest, GA 30058</u>			
	Phone: <u>404-729-6842</u>	Fax: <u>N/A</u>	Email: <u>Tonette.Spencer1@att.net</u>	
	Owner's Name: <u>Tonette Spencer-Williams</u>			
	Owner's Address: <u>6505 Charter Way</u>			
	<u>Lithonia, GA 30058</u>			
	Phone: <u>404-7259-6842</u>	Fax:	Email:	
	Property Address: <u>6505 Charter Way Stonecrest, GA 30058</u>		Acreage: <u>.10</u>	
	Parcel ID: <u>16 123 06 182</u>			
	Owner Information	Current Zoning Classification:		
Proposed Use of Property: <u>Current home. I would like to establish a legitimate Airbnb on said property.</u>				
Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements? <input type="radio"/> Yes <input type="radio"/> No				
Property Information	Property Information:			
	<u>I have happily lived in my home for over 20 years. My home has been paid in full. At this time in my</u>			
	<u>I would like to host, by creating an at home business of an Airbnb. My home is warm and cozy to, if not all</u>			
	<u>most people that I allow to come in. It has been a safe and loving environment. I enjoy hosting people and creating beautiful atmospheres to enjoy.</u>			
Affidavit	To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance.			
	Applicant's Name: <u>Tonette Spencer-Williams</u>			
	Applicant's Signature: <u>Tonette Spencer-Williams</u>		Date: <u>7/20/2022</u>	
	Sworn to and subscribed before me this <u>20th</u> Day of <u>July</u> 20 <u>22</u>			
	Notary Public: <u>JULIA OTTLEY</u>			
Notary	Signature: <u>[Signature]</u>		Julia Ottley NOTARY PUBLIC Newton County, GEORGIA My Commission Expires 04/22/2025	
	My Commission Expires: <u>04/22/2025</u>			
	<input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee <input type="checkbox"/> Legal Fee			
Fee: \$		Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC		Date:
<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied			Date:	

08-03-2017

— Landscaping plan— Not applicable to this Owner.

— All additional requirement on page 4

Trip General / Traffic Impact

* Not applicable to this Owner.

Written "legal description" of property

✓ Property Appraisal Dept

✓ Cancellation of Security Deed

✓ 2021 DeKalb Co - Property Taxes

Building elevation

✓ Home is a 3 story Foundation (Tri-Level Townhouse)
(No elevators) etc.

Signed & Notarized affidavit of owners

Signed & Notarized affidavits of applicants

Entire application submitted via
drop off at the City Hall on
July 22, 2022

Environmental Site Analysis, — Not applicable to this Owner

Campaign Disclosure — Not applicable to this Owner

Jonathan Spencer Williams
Theodor

Public Participation Plan

I anticipate two to three people being at my home at one time. I do not engage in parties or smoking in my home. My Rules are posted on Airbnb website & posted in my home. I have mounted Security cameras on the Outside and able to monitor behavior.

In addition, I have Ring camera doorbell, & some wonderful neighbors that help keep an eye on my home.

My home is not free to the public what so ever!!!

Per our conversation, City of Stonecrest will take care of Public Participation w/ my community.

Imelda Spencer-Walker
7.22.22

Environmental Site

Per our discussion, this does not
apply to this applicant.

Janette Sanchez Wilkins
7/22/22

Detailed Site Plan

- My fully furnished home is equipped with a living room, kitchen, half bath, laundry area, 2 bedrooms: 1 Master (My Room);
- Guest Room w/ attached bath (Bedroom 15'x17') for guest.
 - I have one building structure - Tri level townhouse. The height is tri-level - I do not know actual height.
 - Proposed use of each portion: Living room to sit/tv; Kitchen - cook/eat/work; basement - office/workout; Bedroom - sleeping/Bathing
 - One driveway / Accommodates at least 3 cars. (No Street parking)
 - Trash receptacle is behind a bush on the side of the house.
 - Setback & buffer zones - Not applicable to this owner.

Judith S. Allen
11/1

2021110650 DEED BOOK 29501 Pg 565
Filed and Recorded: 6/25/2021 3:21:00 PM
Recording Fee: \$25.00
Prepared By:
4302241549
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

Return to:
Georgia Housing & Finance Authority
60 Executive Park South, N.E.
Atlanta, GA 30329

SERVICER #
GHFA #89517813756
TAX ID 16 123 06 182

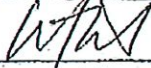
CANCELLATION OF SECURITY DEED

STATE OF GEORGIA
COUNTY OF DEKALB

The indebtedness which is secured by that certain Security Deed from Tonette Spencer to UNITY MORTGAGE CORP. on 10/2/1997 and of record in Deed Book 9666, Page 519, in the Office of the Clerk of Superior Court of DEKALB County, Georgia Records, having been satisfied and the undersigned being the present record holder and owner of such deed, the Clerk of such Superior Court is authorized and directed to cancel that deed of record.

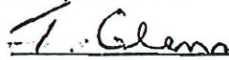
IN WITNESS WHEREOF, the undersigned has set his or her hand and seal this 5/26/2021

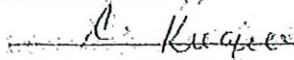
GEORGIA HOUSING AND FINANCE AUTHORITY
f/k/a Georgia Residential Finance Authority


Nathan Christiansen, Office Director, Homeownership


Tamie Lamar, Loan Administration Manager

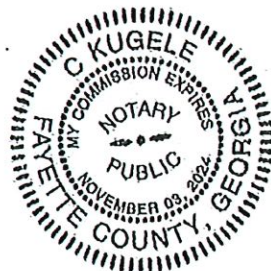
Signed, sealed and delivered
In the presence of:

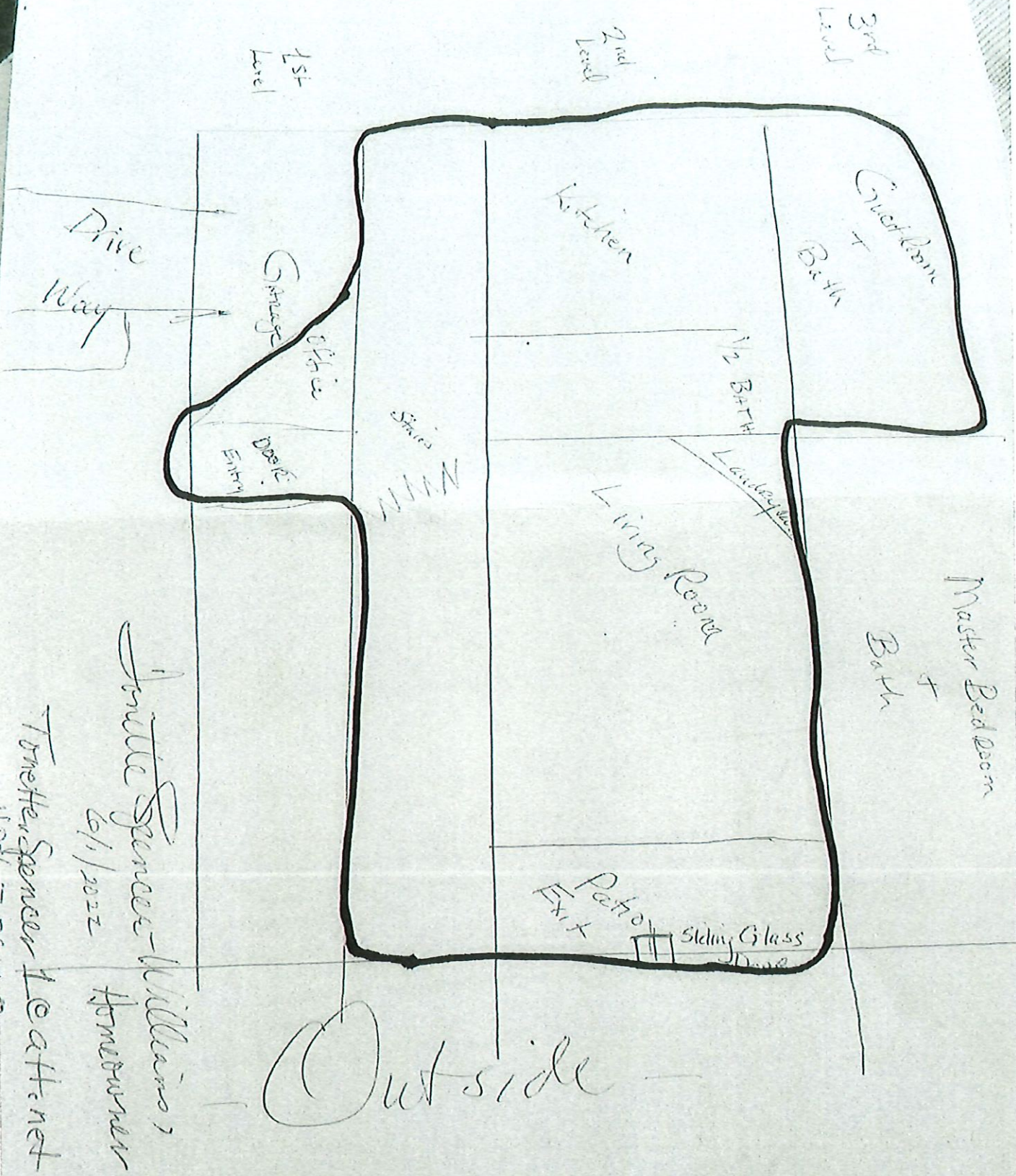

Unofficial Witness



(Notary Seal)

(Corporate Seal)

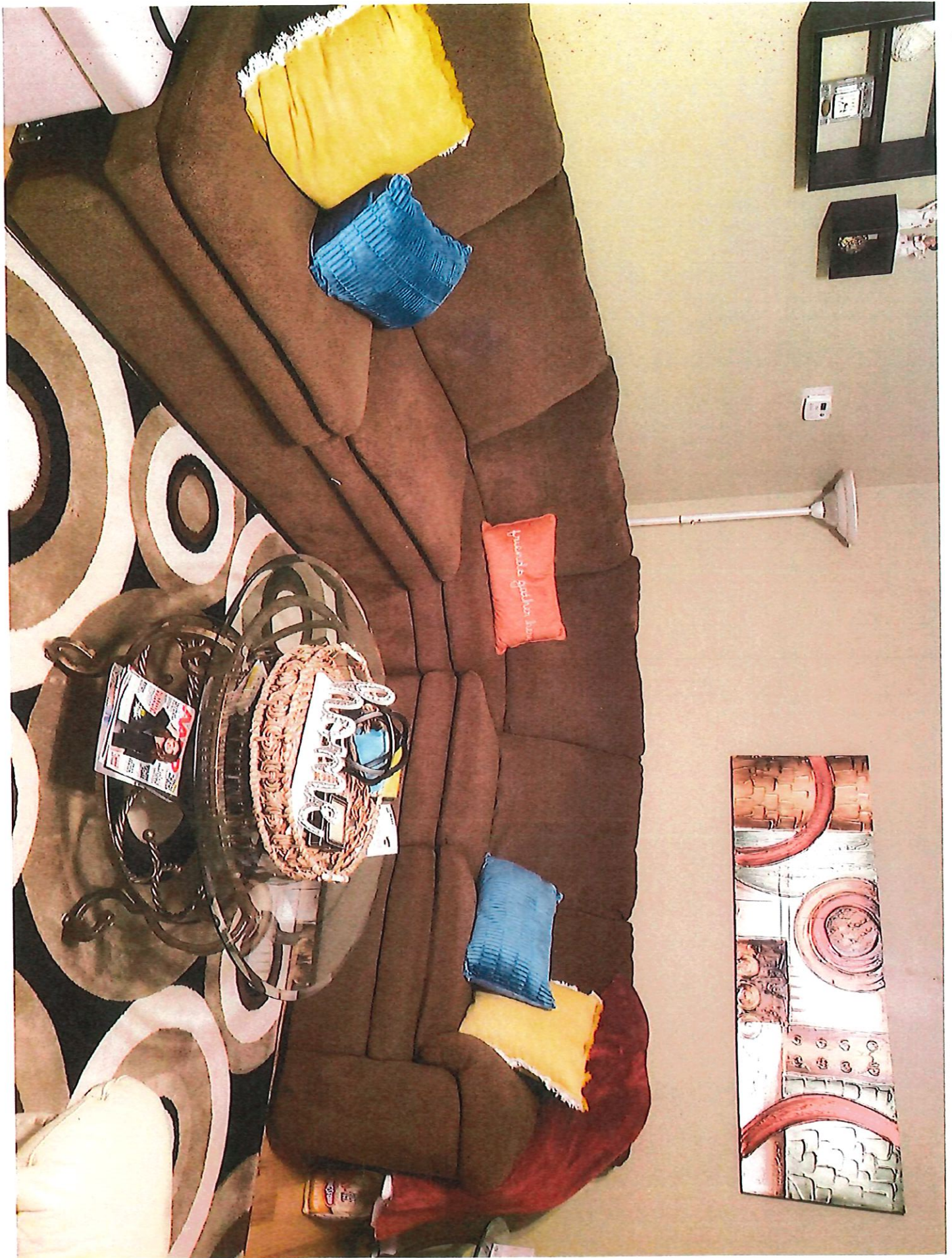




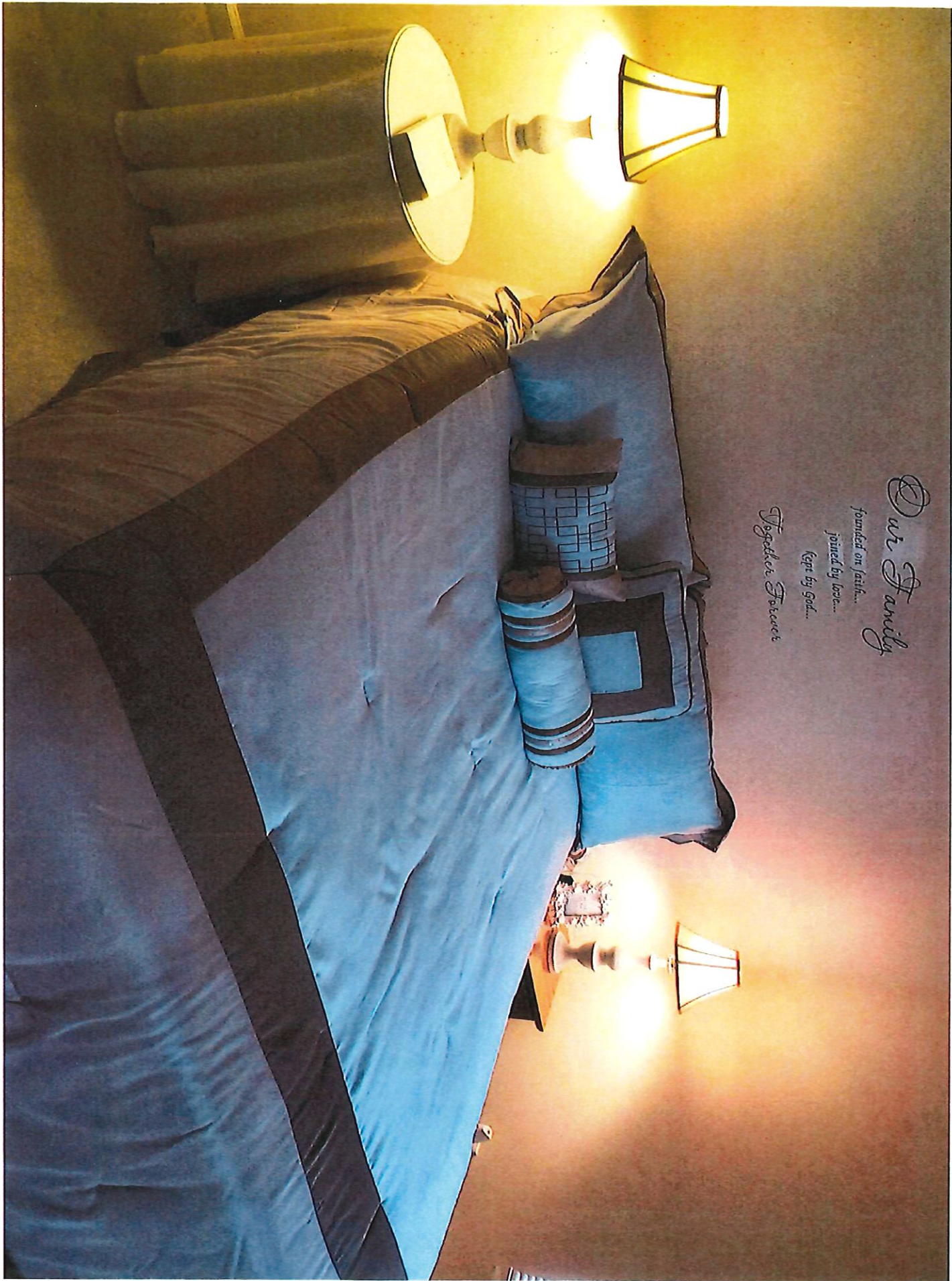
Janelle Spence-Williams,
6/1/2022
Homeowner

Tonette Spence 10@att.net









Our Family

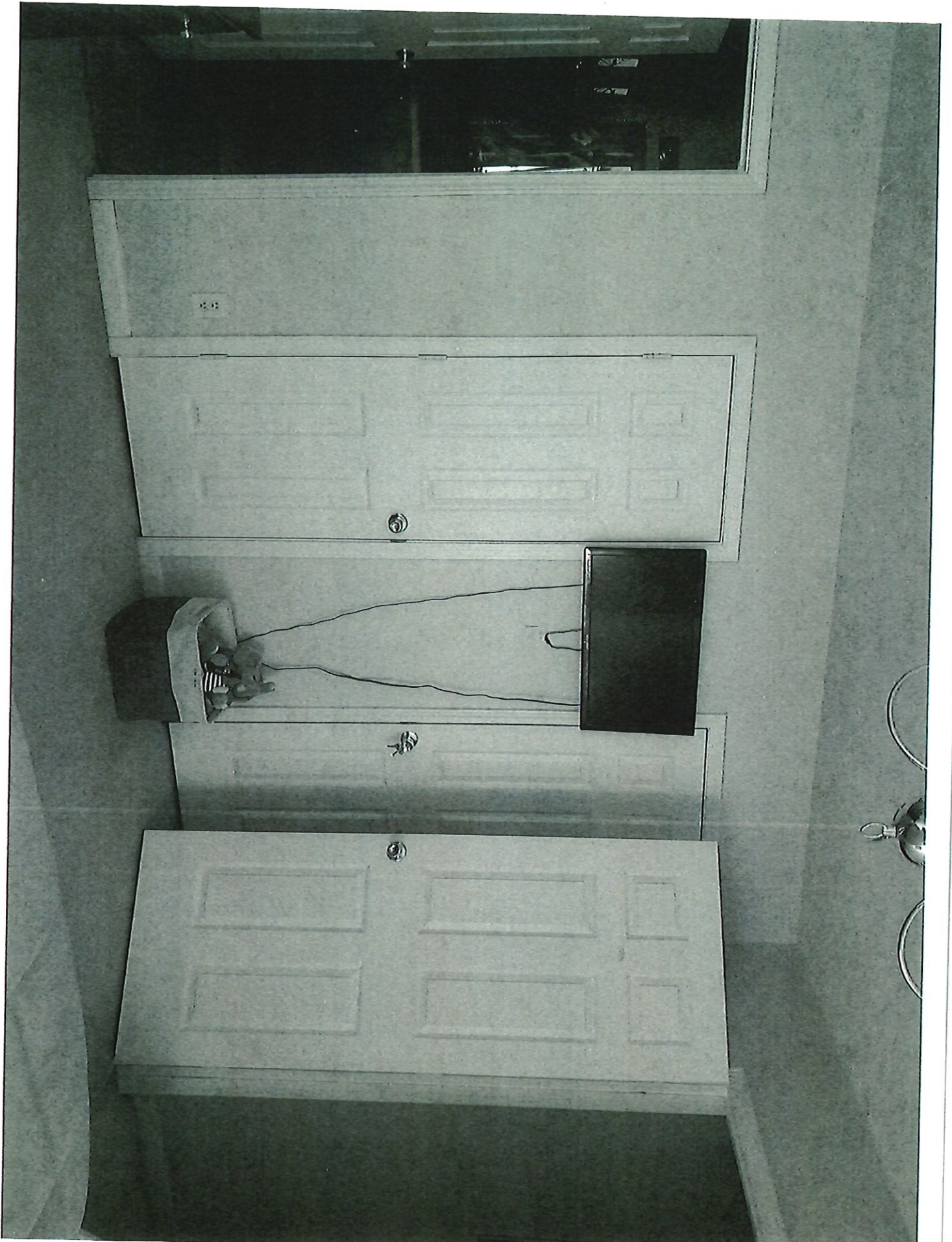
formed on faith...

joined by love...

kept by God...

Together Forever







Return to:
Georgia Housing & Finance Authority
60 Executive Park South, N.E.
Atlanta, GA 30329

SERVICER #
GHFA #89517813756
TAX ID 16 123 06 182


CANCELLATION OF SECURITY DEED

**STATE OF GEORGIA
COUNTY OF DEKALB**


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IN WITNESS WHEREOF, the undersigned has set his or her hand and seal this 5/26/2021

GEORGIA HOUSING AND FINANCE AUTHORITY
f/k/a Georgia Residential Finance Authority




Nathan Christiansen, Office Director, Homeownership

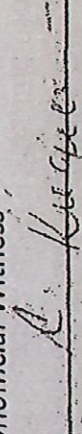


Tamie Lamar, Loan Administration Manager

(Corporate Seal)

Signed, sealed and delivered
in the presence of:



Unofficial Witness,






CITY OF STONECREST

PUBLIC NOTICE

THE CITY OF STONECREST PLANNING AND ZONING
WILL HOLD A **PUBLIC HEARING** FOR

6505 CHARTER WAY

ON NOVEMBER 8TH, 20 22 AT CITY HALL

AT 6 PM. THE APPLICANT IS REQUESTING
TO SEEK A SPECIAL LAND USE PERMIT TO
OPERATE A SHORT-TERM RENTAL.

THE FINAL HEARING BEFORE MAYOR AND COUNCIL
(IF REQUIRED) IS SCHEDULED ON

JANUARY 23RD, 20 23 AT 7 PM AT:

STONECREST CITY HALL

3120 STONECREST BLVD, STONECREST GA, 30038

(770) 224-0200

WWW.STONECRESTGA.GOV