



Agenda

Alcohol License and Zoning Public Hearings Special Meeting

The Honorable khalid kamau, Mayor
The Honorable Catherine F. Rowell, District 1
The Honorable Carmalitha Gumbs, District 2
The Honorable Helen Z. Willis, District 3
The Honorable Jaceey Sebastian, District 4
The Honorable Keosha B. Bell, District 5
The Honorable Natasha Williams-Brown, District 6
The Honorable Linda B. Pritchett, District 7

Tuesday, August 27, 2024

6:00 PM

**Southwest Arts Center, 915
New Hope Rd. SW, South
Fulton, GA 30331**

SOUTH FULTON CITY COUNCIL MISSION STATEMENT:

To provide exceptional customer service that sustains a safe, inclusive, innovative, and an economically vibrant city.

Live-stream: **Public Meeting Portal (Civic Clerk):** <https://southfultonga.civicclerk.com>

Public Comment: <https://www.cityofsouthfultonga.gov/3074/Public-Comment-at-Council-Meetings>

- I. Meeting Called to Order - Mayor khalid**
- II. Roll Call - Corey Adams, City Clerk**
- III. Alcohol Licenses, Rezoning, Variance and Modification Cases (For Presentation and Public Hearing Only)**
 - A. Public Hearing: Case U24-008: Application by Margaret Wilson c/o Bobbie Wilson requesting a special use permit to operate a short-term rental at 5320 Orange Drive (Parcel ID: 14F009400020273) in R-3 (Single-Family Dwelling District/ Sandtown Overlay District) zoning district. (Council District 1)

Staff Recommendation: Denial
Planning Commission Recommendation: Denial
 - B. Public Hearing: Case U24-010: Application by Stanley Geneus requesting a special use permit to operate a short-term rental at 4030 W. Stubbs Road (Parcel ID: 09F420001701122) in AG-1 (Agricultural District/ Clifondale Overlay District) (Council District 4)

Staff Recommendation: Approval Conditional
Planning Commission Recommendation: Denial
- IV. Executive Session, if necessary**
- V. Adjournment of Meeting**

GOVERNMENT OF THE CITY OF SOUTH FULTON

SHARON SUBADAN
CITY MANAGER



REGINALD B. MCCLENDON
MANAGING DIRECTOR
COMMUNITY DEVELOPMENT AND
REGULATORY AFFAIRS

MEMORANDUM

TO: Planning Commission

FROM: Department of Community Development and Regulatory Affairs
Planning & Zoning Division

SUBJECT: **U24-008: 5320 Orange Drive**

MEETING DATE: June 26, 2024

The applicant is requesting a special use permit for a short-term rental at 5320 Orange Drive in the R-3 (Single-Family Dwelling District). (Council District 1)

STAFF RECOMMENDATION: DENIAL

APPLICATION INFORMATION

Applicant Information:	Bobby & Margaret Wilson
Status of Applicant:	Applicant
City Council District(s):	1
Parcel ID Number:	14F009400020273
Area of Property:	0.50 Acres
Existing Zoning:	R-3 (Single- Family Dwelling District)/Sandtown Overlay District
Current/Past Use of the Property:	The property contains a single-family residence.
Prior Zoning Cases/History:	N/A

SPECIFIC INFORMATION**FINDINGS OF FACT**

The applicant is requesting a special use permit for a short-term rental.

BACKGROUND

The property is zoned R-3. The applicant is requesting a special use permit for a short-term rental for a single-family residence in the Enon Forest Subdivision.

PROPERTY LOCATION

The property consists of a .50-acre parcel located on the western side of Miller Run lying and being in Land Lots 156, 14th District in the City of South Fulton, Fulton County, Georgia. It is Lot 201 of the Walden Park Subdivision. The property is in Council District 2.

2021 COMPREHENSIVE PLAN LAND USE DESIGNATION

The subject property has the future land use designation of Suburban Neighborhood as designated in the 2021 South Fulton Comprehensive Plan.

ADJACENT ZONING AND LAND USES

North: R-3 (Single- Family Dwelling District)
South: R-3 (Single- Family Dwelling District)
East: R-3 (Single- Family Dwelling District)
West: CUP (Community Unit Plan District)

COMMUNITY AND PROPERTY OWNERS NOTIFICATION/COMMENTS

Per the requirements of Section 803.05, a Community Zoning Information Meeting was held virtually on April 1, 2024, at 6:00pm. The applicants presented their rezoning plan to attendees, and nobody spoke in opposition or in favor.

Staff placed the required notice of public hearing in The Daily Report on May 28, 2024, to notify the public that Case U24-008 would be heard at the Planning Commission Meeting on June 26, 2024, and at the City Council Public Hearing on July 23, 2024.

Staff placed a notification sign in front of the subject property on May 28, 2024, to notify the surrounding community of the aforementioned hearing dates.

The Applicant was given the addresses within one mile of the subject property for the purposes of hosting their own community meeting. (Attachment 2)

CONCLUSION

Standard of review for proposed use permit (City Code, Appendix C, Sec. 803.06):

1) Is the proposed use consistent or inconsistent with the Comprehensive Plan?

The proposed use is consistent with the Comprehensive Plan. The Comprehensive Plan expresses a desire to attract visitors and new interest to the area.

2) Is the proposed use consistent with the supplemental plans adopted by the City Council, such as/or revitalization or economic development plans?

N/A – no supplemental plans have been adopted by the City Council.

3) Is the proposed use compatible with the adjacent land uses and zoning districts?

The proposed use of a short-term rental is compatible with the adjacent land uses and zoning districts.

4) Does the proposed use violate local, state, and/or federal statutes, ordinances, or regulations governing land development?

The proposed use does not violate local, state, and/or federal statutes, ordinances, or regulations governing land development.

5) What is the effect of the proposed use on vehicular and pedestrian traffic flow and safety, along adjoining streets?

The operation of a short-term rental would not significantly affect the traffic flow and safety along adjoining streets.

6) Is the screening adequate to protect adjacent uses from any negative impacts of the proposed use?

The property is relatively set back from its adjacent neighbor.

7) Can outdoor lighting be used so as to not interfere with surrounding uses?

Outdoor lighting must be consistent with that of a residential development and therefore would not interfere with surrounding uses.

8) Does ingress and egress to the property reduce negative impacts of the proposed use or enhance safety?

The property will be accessed by a private driveway.

9) Will the number, size, and type of signs proposed for the site have any negative impact on traffic or surrounding property uses?

No signs are proposed.

10) Area off-street parking space adequate? Will they be properly located to reduce any negative impacts on surrounding property uses?

Off-street parking is provided on the subject’s property.

11) Does the use have sufficient space to operate its activities?

The subject property has sufficient space to operate as a rental. All rental activities are exclusively within the property’s boundaries.

12) Are there any negative environmental impacts which should be considered, for example, topography, special geological features, soil, water runoff, air pollution, water pollution or contamination, wetlands, etc?

No new development is purposed to incur environmental impacts.

13) Availability of other land suitable for proposed use and effect on balance of land uses;

To address concerns of the proliferation of short-term rentals, Ordinance 2022-045- restricted the number of zoning districts which allow short-term rentals rooming houses. This effectively reduced the availability of land available for the proposed use within the City of South Fulton.

14) Effect on character of the neighborhood;

The Applicant requires guests to sign agreements prior to approving reservations, in order to prevent any potential large gatherings or nuisance to our neighbors and neighborhood.

15) Effect on adjacent property;

The Applicant requires guests to abide by rules to minimize potential effects on adjacent properties and their owners.

16) Economic use of current zoning;

The R-3 (Single-Family Dwelling District) zoning has numerous allowed uses that support the economic viability of the subject property; however, short-term rentals were not considered appropriate per Ordinance 22.045 in that particular zoning district.

17) Other Conditions

N/A

Police Report

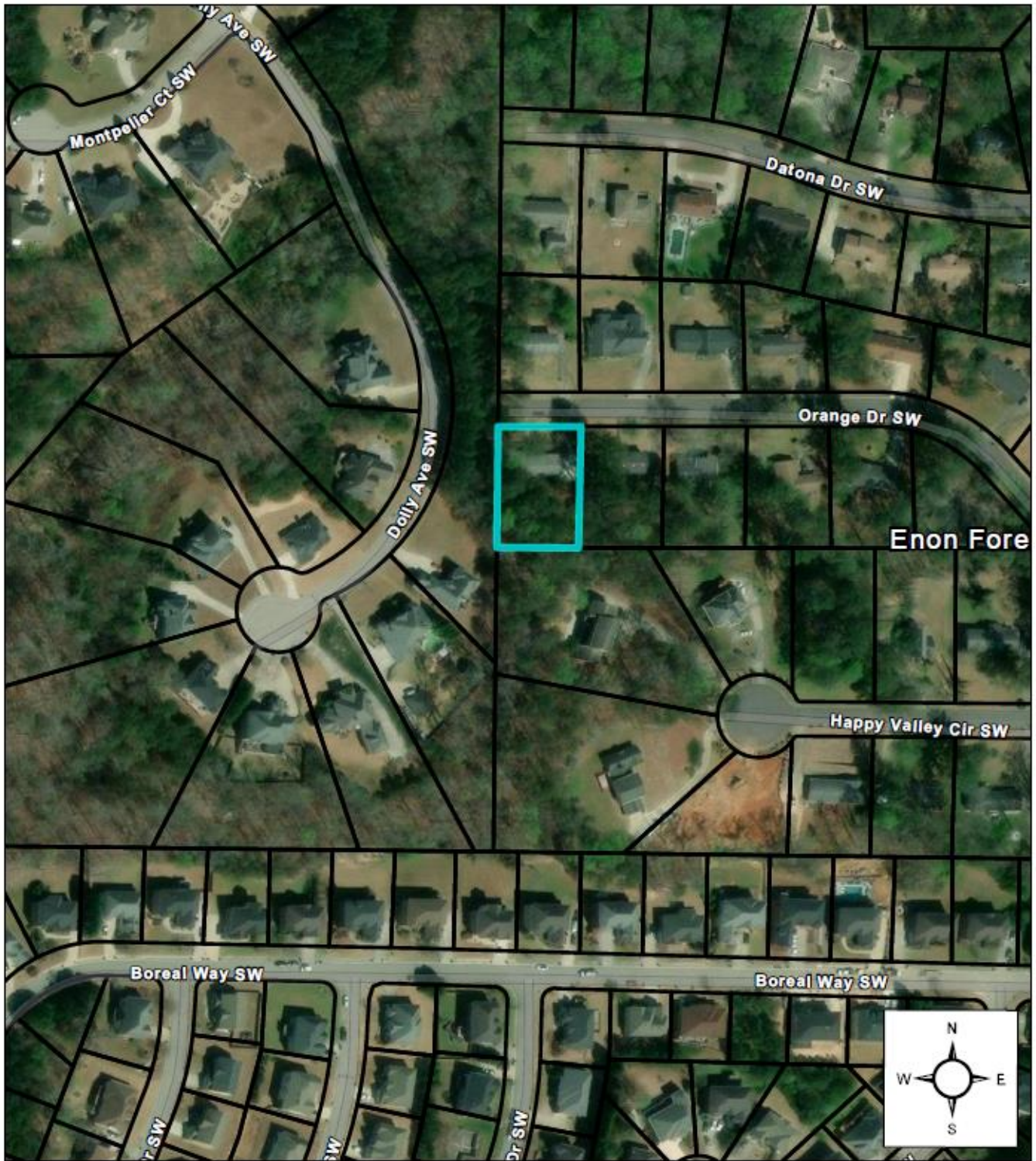
DIST: 102.88 ft (S)ENON FOREST (N)	5320 ORANGE DR SW	06/25/2023 23:29:44	54D INVESTIGATE SUSP OPEN DOOR
(S)ENON FOREST (N)	5320 ORANGE DR SW	09/09/2022 17:09:42	54 SUSPICIOUS PERSON/VEHICLE
(S)ENON FOREST (N)	5320 ORANGE DR SW	07/02/2021 07:27:56	54 SUSPICIOUS PERSON/VEHICLE
(S)ENON FOREST (N)	5320 ORANGE DR SW	06/04/2021 08:28:19	54 SUSPICIOUS PERSON/VEHICLE

STAFF RECOMMENDATION: DENIAL

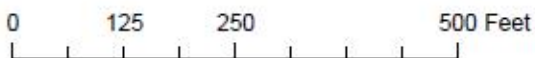
ORD22-045 was adopted by City Council in December of 2022. The Ordinance specifies the following zoning districts as appropriate for Short Term Rentals: AG-1, R-1, R-2, R-6, TR, A, A-L, and CUP. The subject property is zoned R-3. The City Council did not specify R-3 as a zoning district which allows Short Term Rentals.

PREPARED BY: Victoria Young, Planner

REVIEWED BY: Reginald McClendon, Director, CDRA



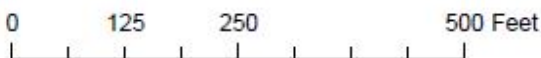
5320 Orange Dr Aerial View



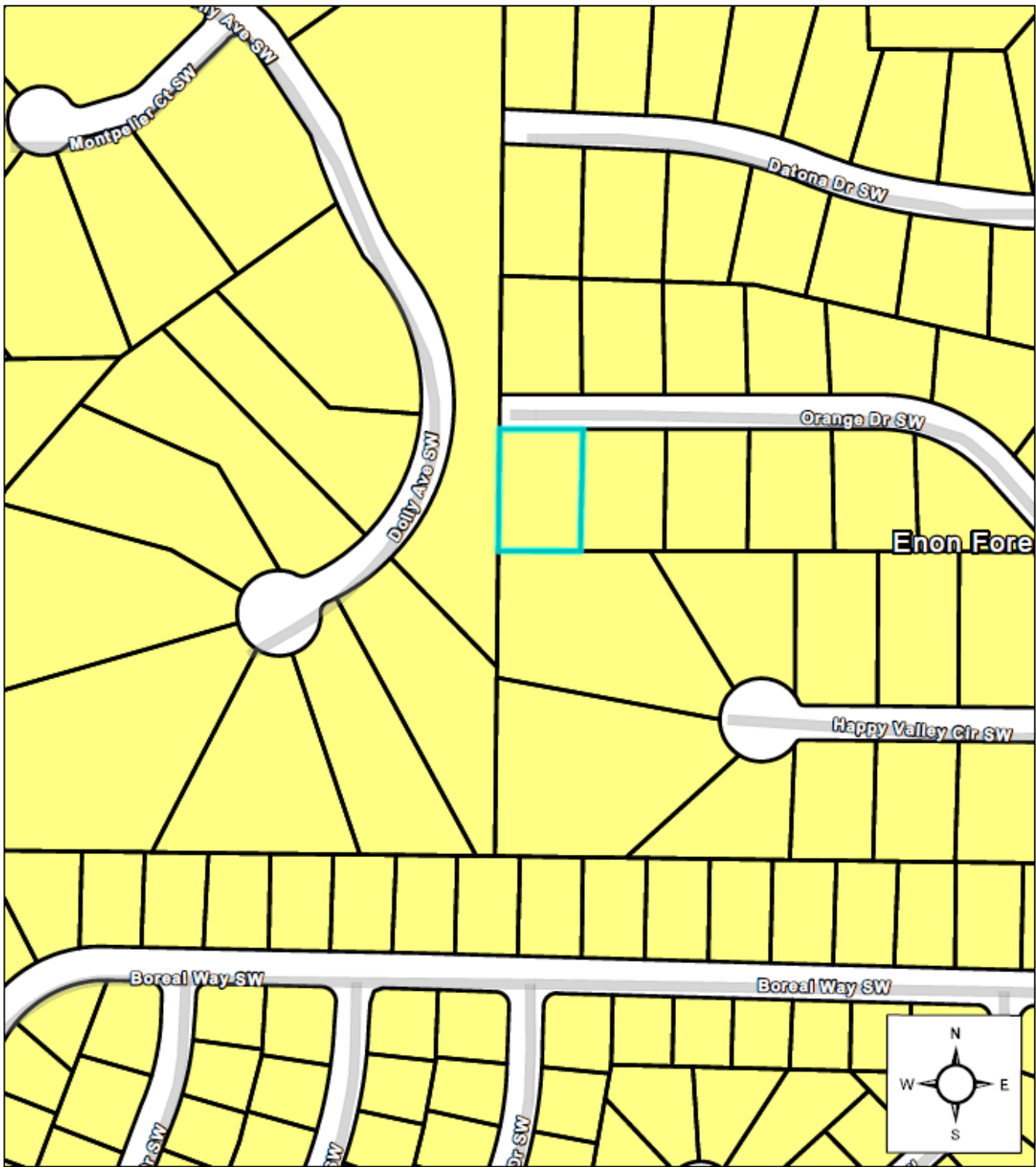
The City of South Fulton provides the data on this map for your personal use "as is". The data is not guaranteed to be accurate, correct, or complete. The feature locations depicted in these maps are approximate and are not necessarily accurate to surveying or engineering standards. The City of South Fulton assumes no responsibility for losses resulting from the use of this data, even if the City of South Fulton is advised of the possibility of such losses.



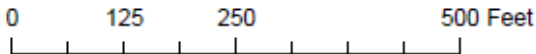
5320 Orange Dr Zoning



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5320 Orange Dr Future Development



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**PUBLIC PARTICIPATION PLAN REPORT
FORM E**

Applicant: Bobby Wilson /
Margaret Wilson Petition No. U24-008
Date: 6/16/24

1. The following parties were notified of the requested rezoning/use permit: a list of
Property Owners was provided by Comm. Development
1,260 property owners within a 1 mile
radius of the property were notified by post
card of the meeting.
2. The following meetings were held regarding this petition: (Include the date, time, and meeting location.)
Zoom meeting was held June 12, 2024
at 6 PM. Meeting ID 739-5129-2218
Margaret & Bobby Wilson - Meeting Hosts
See attached Official Notes From Recordings.
3. The following issues and concerns were expressed:
1) What assurances can we give that there will
not be loud noise, excessive traffic, parties.
2) Will we keep up the property?
4. The applicant's response to issues and concerns was as follows:
See Attached sheet.
5. Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input.

Attach additional sheets as needed.

**GOVERNMENT OF THE CITY OF SOUTH
FULTON**



SHARON SUBADAN
CITY MANAGER

REGINALD MCCLENDON
MANAGING DIRECTOR
COMMUNITY DEVELOPMENT
AND REGULATORY AFFAIRS

MEMORANDUM

TO: Planning Commission

FROM: Department of Community Development and Regulatory
Affairs Planning & Zoning Division

SUBJECT: U24-010: 4030 W Stubbs Rd

MEETING DATE: June 26, 2024

The applicant seeks a Special Use Permit to operate a short-term rental at the existing single-family residential dwelling located at 4030 W Stubbs Rd, Atlanta, GA, 303490, in the AG-1 (Agricultural/Clifftondale Overlay) zoning district. (Council District 4)

STAFF RECOMMENDATION: APPROVAL CONDITIONAL

APPLICATION INFORMATION

Applicant Information: Stanley & Rose Marie Geneus

Status of Applicant: Owner

City Council District: 4

Parcel ID Number: 09F420001701122

Area of Property: 1.82 Acres

Existing Zoning/Future Land Use: AG-1 Agricultural District/Rural Neighborhood

Current/Past Use of the Property: Single-family dwelling.

Prior Zoning Cases/History: N/A

FINDINGS OF FACT**BACKGROUND**

The property is zoned AG-1 Agricultural District/ Cliftondale Overlay District. The applicant is requesting a special use permit for a short-term rental for a single-family residence.

PROPERTY LOCATION

The property is located on the East side of Stonewall Tell lying and being in Land Lot 170 of the 9th District of Fulton County, Georgia, being in the Cliftondale Overlay District. The property is located in Council District 4.

2021 COMPREHENSIVE PLAN LAND USE DESIGNATION

The subject property has a future land use designation of Rural Neighborhood within the 2021 South Fulton Comprehensive Plan.

ADJACENT ZONING AND LAND USES

North: AG-1 Agricultural District
East: AG-1 Agricultural District
South: AG-1 Agricultural District
West: AG-1 Agricultural District

COMMUNITY AND PROPERTY OWNERS NOTIFICATION/COMENTS

Per the requirements of Section 803.05, a Community Zoning Information Meeting was held virtually on April 1, 2024, at 6:00pm. The applicants presented their rezoning plan to attendees, and nobody spoke in opposition or in favor.

Staff placed the required notice of public hearing in The Atlanta Journal-Constitution on May 28, 2024, to notify the public that Case U24-010 would be heard at the Planning Commission Meeting on June 26, 2024, and at the City Council Public Hearing on July 23, 2024.

Staff placed a notification sign in front of the subject property on May 28, 2024, to notify the surrounding community of the aforementioned hearing dates. The Applicant was given the addresses within one mile of the subject property for the purposes of hosting their own community meeting.

CONCLUSIONS

Standard of review for proposed use permit (City Code, Appendix C, Sec. 803.06):

1) Is the proposed use consistent or inconsistent with the Comprehensive Plan?

The Comprehensive Plan identifies a desire to attract visitors through the creation of safe, inviting, and dynamic places. A short-term rental is a form of accommodation that allows visitors to enjoy the community amenities and the City's attractions.

The current use of the property is single-family residential.

2) Is the proposed use consistent with the supplemental plans adopted by the City Council, such as/or revitalization or economic development plans?

N/A – no supplemental plans have been adopted by the City Council.

3) Is the proposed use compatible with the adjacent land uses and zoning districts?

The proposed use of a short-term rental does not change the nature of the existing single-family dwelling that is on the subject property.

4) Does the proposed use on violate local, state, and or/federal statues, ordinances, or regulations governing land development?

The proposed use does not violate local, state, and federal statues, ordinances, and regulations.

5) What is the effect of the proposed use on vehicular and pedestrian traffic flow and safety, along adjoining streets?

The operation of the short-term rental does not change the current flow of vehicular and pedestrian traffic on the adjoining streets.

6) Is the screening adequate to protect adjacent uses from any negative impacts of the proposed use?

The existing property within the lot area minimum and front/side/rear setback minimum for AG-1 zoning district. The adjacent neighbor will not be impacted from the proposed use.

7) Can outdoor lighting be used so as to not interfere with surrounding uses?

Outdoor lighting must be consistent with that of a residential development and therefore would not interfere with surrounding uses.

8) Does ingress and egress to the property reduce negative impacts of the proposed use or enhance safety?

The property is accessed from its private driveway.

9) Will the number, size, and type of signs proposed for the site have any negative impact on traffic or surrounding property uses?

No signs are proposed.

10) Are off-street parking space adequate? Will they be properly located to reduce any negative impact on surrounding property uses?

Off-street parking is provided on the subject property.

11) Does the use have sufficient space to operate its activities?

The subject property has sufficient space to operate as a rental. All rental activities are exclusively within the property's boundaries.

12) Are there any negative environmental impacts which should be considered, for example, topography, special geological features, soil, water runoff, air pollution, water pollution or contamination, wetlands, etc?

No new development is being proposed to incur environmental impacts.

13) Availability of other land suitable for proposed use and effect on balance of land uses;

To address concerns of the proliferation of short-term rentals, Ordinance 2022-045- restricted the number of zoning districts which allow short-term rentals rooming houses. This effectively reduced the availability of land available for the proposed use within the City of South Fulton.

14) Effect on character of the neighborhood;

The Applicant requires guests to sign agreements prior to approving reservations, in order to prevent any potential large gatherings or nuisance to neighbors and neighborhood.

15) Effect on adjacent property;

The Applicant requires guests to abide by rules to minimize potential effects on adjacent properties and their owners.

16) Economic use of current zoning;

The AG-1 Agricultural District has numerous allowed uses that support the economic viability of the subject property.

17) Other conditions

N/A

PUBLIC PARTICIPATION

The public participation meeting was held in person at 4030 W. Stubbs Rd with 10 people in attendance. The applicant was asked a series of questions about parking, noise control, cleanup and rules for guests. The applicant response are as follows:

- There are several rules for renting at 4030 West Stubs, guests must be 25 and older, no weapon, house only sleeps 12 guests, all guests must follow the noise ordinance that is established in the City of South Fulton. As far as the times someone can rent here, guests are allowed to book any day of the week. The home will also be cleaned after every guest.
- If guest has more vehicles, then the house can hold, we have worked with a nearby church for vehicles to be parked.
- We have installed equipment that detects noise, crowds, and smoke. We received a notification if any of these items are detected based off the threshold we set up in the system. The guest is notified about the disturbance, if they continue to violate the notifications and calls, we will ask the guest to leave.

The community expressed concerns about having a short-term rental property in the neighborhood. However, if guests follow all rules and regulations, they would be okay with this use.

Police Report

No police report, property is newly constructed.

STAFF RECOMMENDATION: APPROVAL CONDITIONAL

Recommended Conditions:

- 1. That the Special Use Permit is not transferrable.**
 - 2. That the permittee is required to maintain a valid South Fulton business license to operate a special use for a short-term rental.**
-
-

PREPARED BY: Adriana Echols, Planner

REVIEWED BY: Reginald McClendon, Managing Director, CDRA

Police Report

No police report, property is newly constructed.

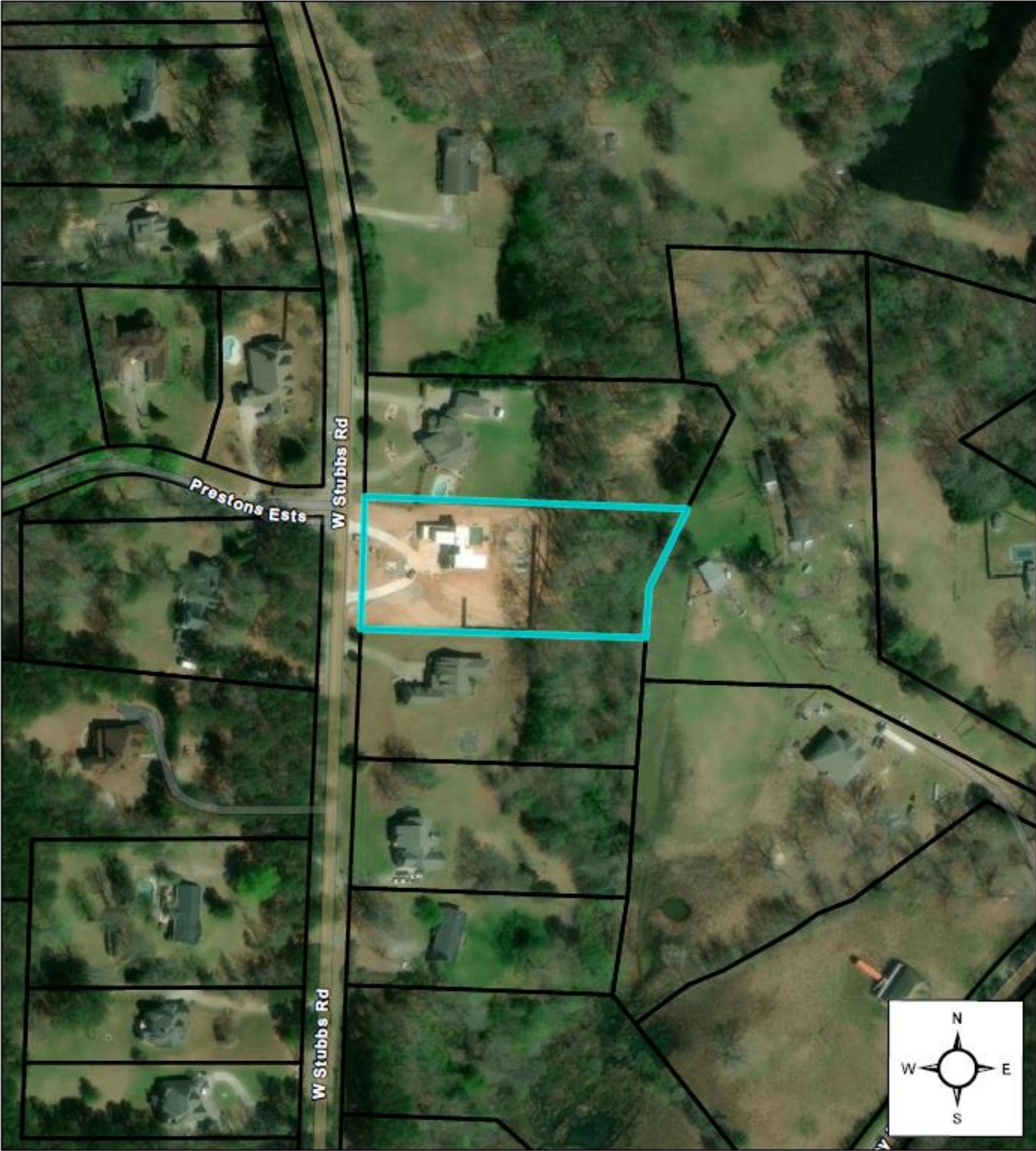
STAFF RECOMMENDATION: APPROVAL CONDITIONAL

Recommended Conditions:

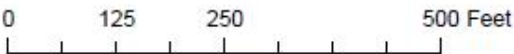
- 3. That the Special Use Permit is not transferrable.**
 - 4. That the permittee is required to maintain a valid South Fulton business license to operate a special use for a short-term rental.**
-
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PREPARED BY: Adriana Echols, Planner

REVIEWED BY: Reginald McClendon, Managing Director, CDRA



4030 W Stubbs Rd Aerial View



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U24-010: 4030 Stonewall Tell Road
June 26, 2024
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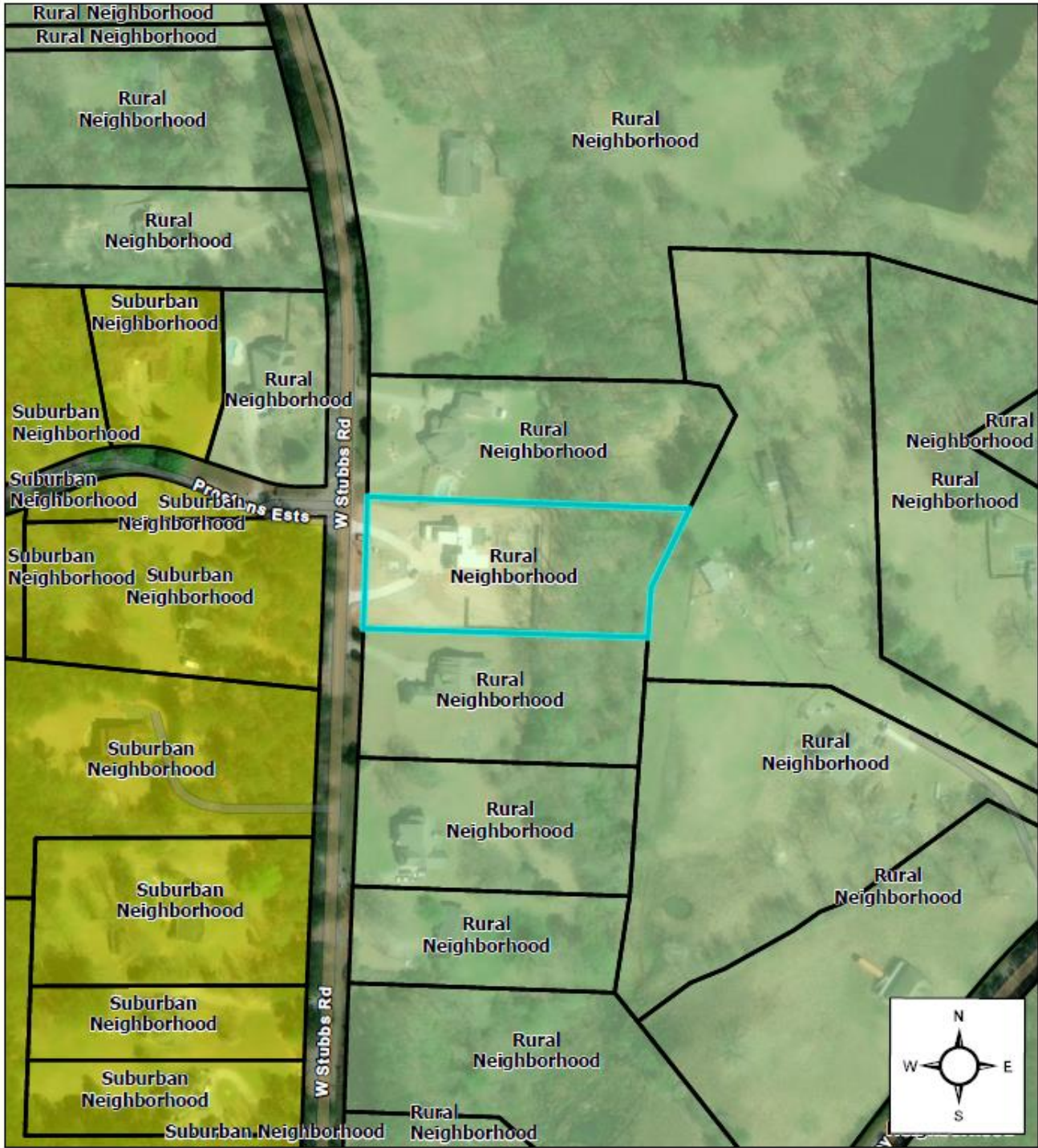


4030 W Stubbs Rd Zoning

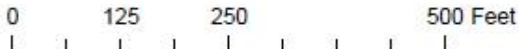
0 125 250 500 Feet

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U24-010: 4030 Stonewall Tell Road
June 26, 2024
Page 8 of 13



4030 W Stubbs Rd Future Development



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Rural Neighborhood

The Rural Neighborhood Character Area intends to preserve the primarily rural residential character of City of South Fulton. This area represents a transition between the Agricultural and Suburban Neighborhood Character Areas.

This along with the Suburban Neighborhood Character Area is the majority of character areas in the City of South Fulton. This character area includes the community of Cedar Grove and portions of Cliftondale.

The Rural Neighborhood Character area is characterized by low to medium density residential houses, with established single-family homes on large lots and newer traditional style subdivisions with larger lots. Estate conservation subdivisions are appropriate. Public infrastructure is available, but service may not be extended to all properties.

This Character Area intends to protect the existing natural features by conservation subdivision

development. Low to medium residential development that maintains the rural character in scale and design is appropriate.

Other types of development allowed in the Rural Neighborhood include civic uses such as schools, places of worship, community centers, and facilities existing streets.



Gross Density
1-2 Units or Less per acre

Zoning
R-2A, CUP, NUP, SH





PUBLIC PARTICIPATION PLAN REPORT FORM E

Applicant: Stanley Geneus Petition No. _____
 Date: 5/29/2024

1. The following parties were notified of the requested rezoning/use permit:
All neighbors that were listed on the document sent by the City of South Fulton. Please see photo for proof.

2. The following meetings were held regarding this petition: (Include the date, time, and meeting location.)
Public Participation 5/06/2024 from 6-7pm

3. The following issues and concerns were expressed:
Q: what is a short-term rental?
Q: what is the use permit number?
Please see attached document titled "Public Participation Report" for all of the questions.

4. The applicant's response to issues and concerns was as follows:

A: A short-term rental is when you rent a location out for less than 30 days.
A: we do not have the actual permit yet.
Please see attached document titled "Public Participation Report" for all of the answers

5. Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input.

Attach additional sheets as needed.

