



Legislation Details (With Text)

File #: 2019-4710 **Version:** 1 **Name:**

Type: Ordinance **Status:** Preliminary Item

File created: 11/25/2019 **In control:** Board of Commissioners - Zoning Meeting

On agenda: 1/28/2020 **Final action:**

Title: COMMISSION DISTRICT(S): 4 & 6
Application of Boston Investment Group for a Special Land Use Permit (SLUP) to allow an 8,500 square foot funeral home and 1,500 square foot crematorium in the C-1 (Local Commercial) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table of the DeKalb County Code, at 5644 Memorial Drive.

Indexes:

Attachments: 1. N4 Boston Investment Grp SLUP 20 1243616

| Date | Ver. | Action By | Action | Result |
|-----------|------|---|---------------------------|--------|
| 1/28/2020 | 1 | Board of Commissioners - Zoning Meeting | withdrawn | Pass |
| 1/7/2020 | 1 | Planning Commission | deferred for a full cycle | Pass |

Public Hearing: YES NO **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 4 & 6

Application of Boston Investment Group for a Special Land Use Permit (SLUP) to allow an 8,500 square foot funeral home and 1,500 square foot crematorium in the C-1 (Local Commercial) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table of the DeKalb County Code, at 5644 Memorial Drive.

PETITION NO: N4. SLUP-20-1243616 (2019-4710)

PROPOSED USE: Crematory as an accessory use to Funeral Home

LOCATION: 5644 Memorial Drive

PARCEL NO. : 18 070 01 015

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of Boston Investment Group for a Special Land Use Permit (SLUP) to allow an 8,500 square foot funeral home and 1,500 square foot crematorium in the C-1 (Local Commercial) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table of the DeKalb County Code. The property is located on the north side of Memorial Drive, approximately 252 feet west of Hambrick Road, at 5644 Memorial Drive, Stone Mountain, Georgia. The property has approximately 253 feet of frontage along Memorial Drive and contains 2.47 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: Full Cycle Deferral.

PLANNING COMMISSION: Full Cycle Deferral.

PLANNING STAFF: Full Cycle Deferral.

STAFF ANALYSIS: The proposed request for a crematorium as an accessory use to a funeral home is required to obtain a Special Land Use Permit (SLUP) since it is located in the C-1 (Local Commercial) zoning district. A funeral home is a permitted use in C-1, it is the crematory that requires as SLUP. However, the proposed crematory is not consistent with the Memorial Drive Revitalization Corridor Plan (MDCRP). The MDCRP is a Small Area Plan (SAP) that provides more specific guidance on desired land uses along Memorial Drive than the Neighborhood Center (NC) policy and strategy of the DeKalb County 2035 Comprehensive Plan. The MDCRP calls for smaller scale retail, senior housing, tourist/festival activities, park space, and civic cultural opportunities such as a recreation center, library, or small theatre in the area in which the subject property is located (see attached Final Draft Recommendations of MDCRP). This neighborhood plan has been developed in conjunction with significant citizen input over the past nine months, and is anticipated to be adopted by the Board of Commissioners in the first quarter of 2020. At the Community Council meeting it was discovered that the applicant did not completely comply with the pre-submittal community meeting notification requirements that the applicant notify all property owners within 500 feet of the subject property and all homeowners association within a half mile radius (see attached pre-community meeting resolution). The Community Council and Planning Department Staff recommended “*Full Cycle Deferral*” to allow the applicant time to properly notify and conduct another community meeting to comply with the pre-submittal community meeting requirements. In response to these recommendations, the applicant held a second community meeting on Friday, January 3rd, 2020. Based on information from a community council member who attended that meeting, the applicant held that meeting at the subject property, outside in the rain, which does not comply with the resolution that pre-submittal community meetings must be held “*in a facility*” (See attached resolution). At the January 7th Planning Commission meeting there was significant opposition to this application, and there was a religious objection raised by an adjacent property owner (Ethiopian Community Association). The Planning Commission recommended “*Full Cycle Deferral*” with a directive for Planning Departments to consult with the County’s legal department concerning this application. The applicant indicates that the proposed crematory will “generally perform 2 to 3 cremations per day” (See attached email). However, based on the information submitted at the Community Council meeting, the proposed “EnerTeck IV Plus” cremation device is designed for “15 plus” cremations per day (see attached EnerTeK PLUS IV information). The proposed 1,500 square foot crematory is much larger than the size of the applicant’s “EnerTeck IV PLUS” cremation device which averages approximately 120 square feet based on the applicant’s submitted information (see attached EnerTeck IV PLUS specifications). It is not clear if the proposed crematory will operate more than one cremation device. Additionally, the application has not clarified whether the proposed crematory will be performing cremations from other funeral homes. Given that the SLUP application has not clarified this information, the maximum volume/number of cremations that are planned in the future is not clear. Therefore, given that the January 3rd community meeting did not comply with the pre-submittal community meeting requirements that the meeting be held “*in a facility*” as well as the additional information needed to clarify the project scope, it is the recommendation of the Planning & Sustainability Department that the application be “*Deferred, Full Cycle*”.

PLANNING COMMISSION VOTE: Full Cycle Deferral 7-1-1. L. Osler moved, V. Moore seconded for a Full Cycle Deferral, per Staff recommendation, with a directive to consult with the County legal department. J. Johnson opposed; A. Atkins abstained.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Full Cycle Deferral 11-0-0. The Council recommended "Full Cycle Deferral" to allow the applicant to properly notify and conduct another community meeting to include notification of residential home owners associations within a half mile of the subject property. Issues discussed included potential impacts on air pollution, traffic, and residential property values in the area.