



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

**File #:** 2019-4710

1/7/2020

**File Status:** Preliminary Item

**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.**

**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:** Pending.

**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. The proposed renovation of the existing vacant building on the subject property (see attached conceptual elevation) is consistent with the Neighborhood Center (NC) future land use policy to utilize vacant properties as an opportunity for compatible infill development (CRC Policy #11). Based on information from

the Georgia Environmental Protection Department (GEPD), crematories do not require an air quality permit and should have no significant impact on air quality if operated properly, and are also exempt from Federal air quality regulations (see attached GEPD email). Additionally, the applicant has provided a letter from the GEPD which indicates that their proposed crematory operation does not require an air quality permit (see attached GEPD letter to applicant). Furthermore, current state laws include licensure requirements, maintenance standards, and inspections by the Georgia Board of Funeral Services and the crematory equipment manufacturer (see attached) which should minimize any potential adverse impacts upon adjoining land uses by reason of hours of operation by noise, smoke, odor, or vibration (Section 27- 7.4.G). Notwithstanding the information from GEPD and GBFS, 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 associations within a half mile radius (see attached Planning Department pre-community meeting policy). Based on discussion at the December 17<sup>th</sup> Community Council District 4 public hearing, the applicant did not notify all the affected residents within these distance requirements as some residents from the Abingdon Manor subdivision located approximately 460 feet to the north of the subject property (see aerial photo) who attended the Community Council meeting indicated that they were not notified of the pre-submittal community meeting. Additionally there were residents who indicated they lived in subdivisions within half a mile of the subject property and that they nor their homeowners association were notified. The Community Council recommended "full cycle deferral" to allow the applicant time to properly notify and conduct another community meeting to include notification of residential homeowners associations within a half mile of the subject property and all property owners within 500 feet of the subject property. Therefore, it is the recommendation of the Planning and Development Department that this application be, "Deferred, Full Cycle" to allow the applicant time to properly notify affected residents in the area and hold a community meeting which allows those residents within half a mile to participate.

**PLANNING COMMISSION VOTE: Pending**

**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.

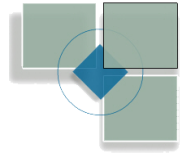


# DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov



Michael Thurmond  
Chief Executive Officer

**Planning Commission Hearing Date: January 7, 2020, 6:30 P.M.**

**Board of Commissioners Hearing Date: January 28, 2020 6:30 P.M.**

## STAFF ANALYSIS

<b>Case No.:</b>	SLUP-20-1243616	<b>Agenda #:</b> N-4
<b>Location/ Address:</b>	5644 Memorial Drive, Stone Mountain, Georgia	Commission District: 4 Super District: 6
<b>Parcel ID:</b>	18 070 01 015	
<b>Request:</b>	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.	
<b>Property Owner:</b>	Iraj Zolghadr	
<b>Applicant/Agent:</b>	Boston Investment Group	
<b>Acreage:</b>	2.47	
<b>Existing Land Use:</b>	Vacant Building	
<b>Surrounding Properties:</b>	Vacant shopping center, restaurants (Wings 101 & Conch City Seafood), and a convenience store (Quick Serve) to the south across Memorial Drive; Hambrick Square shopping center, a vacant building, and a BP gas station to the east; office buildings to the west; and mini-warehouses (Public Storage) and a single-family neighborhood (Abingdon Manor) to the north.	
<b>Adjacent Zoning:</b>	North: OD South: C-1 East: C-1 West: C-1	
<b>Comprehensive Plan:</b>	NC	Consistent <input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/>
<b>Proposed Density:</b>	NA	<b>Existing Density:</b> NA
<b>Proposed Units/Square Ft.:</b>	8,500 s.f. funeral home and 1,500 s.f. crematorium	<b>Existing Units/Square Feet:</b> 11,000 s.f. vacant building
<b>Proposed Lot Coverage:</b>	NA	<b>Existing Lot Coverage:</b> NA

**Staff Recommendation: FULL CYCLE DEFERRAL TO ALLOW APPLICANT TO HOLD COMMUNITY MEETING**

**SUBJECT PROPERTY**

The 2.47 acre project site is located on the north side of Memorial Drive, approximately 252 feet west of Hambrick Road in Stone Mountain, Georgia. The property currently contains a vacant building that was previously occupied by a Piccadilly Cafeteria. The subject property is zoned C-1 (Local Commercial).

**SITE ANALYSIS**

The proposed request is for a 1,500 square foot crematorium as an accessory use to a proposed 11,152 square feet funeral home. Since the subject property is zoned C-1 (Local Commercial), a Special Land Use Permit (SLUP) is required for the crematorium. The subject site has approximately 253 feet of frontage along Memorial Drive. The subject site’s access is via one driveway off Memorial Drive, one private drive through the adjacent property to the east which accesses Hambrick Road, and one private drive through the adjacent property to the west. Memorial Drive is a six-lane major arterial road with a divided median and sidewalks. Hambrick Road is a two-lane collector road. Based on the submitted information and field investigation of the project site, there are sidewalks along this stretch of Memorial Drive within this established commercial area.

The Traffic Engineer has indicated that there are no traffic engineering concerns at this time. Therefore, ingress/egress and parking should be sufficient.

The submitted site plan and information indicates there are approximately 182 parking spaces on the project site.

Additional criteria applicable to the C-1 zoning of the subject property is shown in the table below:

STANDARD		C-1 REQUIREMENT	EXISTING/PROPOSED	COMPLIANCE
LOT WIDTH		100 feet	253	YES
LOT AREA		20,000 square feet	107, 593 square feet	YES
YARD SETBACKS	FRONT	60 feet	120 feet	YES
	INTERIOR SIDE	20 feet	65 feet (east) 90 feet (west)	YES
	REAR	30 feet	85 feet	YES
TRANS. BUFFERS		None (does not abut residential zoning)	0 feet	YES
HEIGHT		2 story	1 story	YES
PARKING		28 spaces	182 spaces	YES
MAX LOT COVERAGE		80%	Unknown	Unknown (not shown on site plan)

## **ZONING ANALYSIS**

The character of the surrounding area consists of a vacant shopping center, restaurants (Wings 101 & Conch City Seafood) and a convenience store (Quick Serve) to the south across Memorial Drive within the C-1 (Local Commercial) District; Hambrick Square shopping center, a vacant building, and a BP gas station to the east within the C-1 (Local Commercial) District; office buildings to the west within the C-1 (Local Commercial) District; and mini-warehouses (Public Storage) within the OD (Office Distribution) District to the north. Further north of the mini-warehouses is a single-family neighborhood (Abingdon Manor) within the R-85 (Single-Family) District.

It should be noted that a crematory is not classified as a heavy industrial use. It is allowed in the Local Commercial (C-1) and Office-Institutional (O-I) district as a Special Land Use Permit (SLUP). No environmental studies are required by the Zoning Ordinance. The Georgia EPD does not require an air quality permit for crematories and has indicated to Staff that it would have no significant impact on air quality if operated properly. However, Planning Department staff strongly encouraged the applicant to prepare an environmental study regarding air/odor impacts in case there were specific environmental concerns that were raised by the community. The applicant has not provided any environmental reports as of the time of this writing.

The Board of Commissioners approved another accessory crematorium for a funeral home in DeKalb County at 2773 North Decatur Road for the AS Turner & Sons funeral home on September 28, 2010 (see attached SLUP-10-16577). That crematorium was on O-I (Office Institutional) zoned property located 240 feet away from the nearest residential land use (Stratford at North Decatur Condominiums), which is closer than the crematorium proposed for the subject property at 5644 Memorial Drive which is 388 feet away from the nearest residential zoning/use (RSM zoning/Hearthstone Glade Condominiums).

### **Supplemental Requirements**

Section 27-4.2.22 requires that crematoriums be at least 100 feet away from residential zoning or residential use. The nearest residential zoning/use is approximately 388 feet away from the subject property. Therefore, the proposed crematorium complies with the Supplemental Regulations of the Zoning Ordinance.

### **Building Mass and Materials**

Based on the submitted plan and information, the proposed use will be located in a one-story building which complies with all required minimum building setbacks of the Zoning Ordinance. Therefore, there are no impacts on the size, scale, and massing of adjacent and nearby lots and buildings.

## **LAND USE AND ZONING ANALYSIS**

**Section 27-7.4.6 of the DeKalb County Zoning Ordinance, "Special land use permit; criteria to be applied" states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit. No application for a Special Land Use Permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application.**

- A. 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:**

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the size of the site is adequate for the use contemplated. Crematories are allowed in the C-1 (Local

Commercial) district, subject to approval of a SLUP. The C-1 district requires 20,000 square feet (approx. .46 acres), and the project site contains 2.47 acres. There are 182 parking spaces on the property, and the minimum parking required by the Zoning Ordinance for the applicant's proposed crematorium and funeral home is 28 spaces.

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

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the proposed accessory crematory use is compatible with the established commercial, office, and residential uses in the surrounding area since it complies with the minimum residential distance requirements of the zoning ordinance and consumes only 15% (1,500 square feet) of the proposed 11,152 square foot funeral home.

**C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:**

Based on the submitted information, it appears that public transportation facilities are adequate to service the use contemplated. There will no impact on schools since the proposed use is nonresidential. There is no burdensome impact anticipated on public utilities since the proposed use will be located in an established (renovated) commercial building. The applicant will need to obtain a sewer capacity letter from the Department of Watershed Management to verify if sewer capacity is adequate.

**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 proposed use, so as not to unduly increase traffic or create congestion in the area:**

Based on the submitted site plan and information, as well as field investigation of the project site, the public street on which the proposed use is to be located is adequate and will not unduly increase traffic congestion since the crematory accesses a six-lane major arterial road (Memorial Drive) with secondary access from a two-lane collector road (Hambrick Road).

**E. Whether or not existing land uses located along access routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use:**

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the existing land uses located along access routes to the site would not be adversely affected by the character of the vehicles or the volume of traffic generated since the proposed use will be located within an established (renovated) commercial building along a major arterial road (Memorial Drive).

**F. 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:**

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that ingress and egress to the subject property is adequate since the proposed use will be along a major arterial road (Memorial Drive) and no changes are proposed to the existing internal circulation system or to the existing access points onto Memorial Drive or via the private drives from the adjacent properties to the east and west.

**G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:**

There are no anticipated adverse impacts on surrounding properties due to noise, smoke, odor, dust, or vibration. Based on a letter from the Georgia Environmental Protection Department (GEPD), crematories do

not require an air quality permit and should have no significant impact on air quality if operated properly (see attached GEPD email). Additionally, the applicant has provided a letter from the GEPD which indicates that the applicant's proposed crematory does not require an air quality permit.

**H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:**

Based on the submitted information and elevations, it appears that the proposed use would not create adverse impacts on the adjoining land use by reason of the hours of operation since the hours of operation will be consistent with the typical daytime business hours of the proposed funeral home between 9:00 a.m. and 5:00 p.m. There should be no adverse impacts due to smoke, odor, dust, noise, or vibration based on the response to Criteria "G" above.

**I. Whether or not the proposed use would create adverse impacts upon adjoining land use by reason of the manner of operation of the proposed use:**

See criteria "H".

**J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:**

With the exception of parking lot landscaping and street trees along Memorial Drive, the proposed plan appears to be consistent with the requirements of the zoning district classifications in which the use is proposed to be located (C-1 district).

**K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:**

Based on the submitted information, the proposed renovation of the vacant building is consistent with the policy and strategy of the Neighborhood Center (NC) future land use designation to utilize vacant properties in the neighborhood as an opportunity for infill development of compatible structures (CRC Policy #11).

**L. Whether or not the proposed plan provides for all buffers and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located:**

No transitional buffers are required since the subject property does not abut residential zoning.

**M. Whether or not there is adequate provision of refuse and service areas:**

Based on the submitted information, ample refuse and service areas will be provided.

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

This is a permanent development and should not be limited in duration.

**O. Whether or not 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:**

Based on the submitted plan and information, the proposed use would be located in a one-story building and will comply with all minimum required building setbacks from the property line. Therefore, there are no impacts on the size, scale, and massing of adjacent and nearby lots and buildings.

**P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:**

Based on the submitted site plan and information, as well as field investigation of the project site, it does not appear that the proposed plan would adversely affect 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 permit:**

Section 27-4.2.22 requires that crematoriums be at least 100 feet away from residential zoning or residential use. The nearest residential zoning/use is approximately 388 feet away from the subject property. Therefore, the proposed crematorium complies with the Supplemental Regulations of the Zoning Ordinance.

**R. Whether or not the proposed building as a result of its proposed height , would create a negative shadow impact on any adjoining lot or building:**

Based on the submitted plan and information, as well as field investigation of the project site, the proposed use would be located in a one-story building and will comply with all minimum required building setbacks from the property line which should not create a negative shadow impact on any adjoining lot or building.

**S. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan:**

Based on the submitted information, the proposed renovation of the vacant building is consistent with the policy and strategy of the Neighborhood Center (NC) future land use designation to utilize vacant properties in the neighborhood as an opportunity for infill development of compatible structures (CRC Policy #11). Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the proposed accessory crematory use is compatible with the established commercial, office, and residential uses in the surrounding area since it complies with the minimum residential distance requirements of the zoning ordinance and consumes only 15% (1,500 square feet) of the proposed 11,152 square foot funeral home.

**Planning and Sustainability Department Recommendation: FULL CYCLE DEFERRAL TO ALLOW APPLICANT TO HOLD COMMUNITY MEETING**

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. The proposed renovation of the existing vacant building on the subject property (see attached conceptual elevation) is consistent with the Neighborhood Center (NC) future land use policy to utilize vacant properties as an opportunity for compatible infill development (CRC Policy #11).

Based on information from the Georgia Environmental Protection Department (GEPD), crematoriums do not require an air quality permit and should have no significant impact on air quality if operated properly, and are also exempt from Federal air quality regulations (see attached GEPD email). Additionally, the applicant has provided a letter from the GEPD which indicates that their proposed crematorium operation does not require an air quality permit (see attached GEPD letter to applicant). Furthermore, current state laws include licensure requirements, maintenance standards, and inspections by the Georgia Board of Funeral Services and the crematorium equipment manufacturer (see attached) which should minimize any potential adverse impacts upon adjoining land uses by reason of hours of operation by noise, smoke, odor, or vibration (Section 27- 7.4.G).

Notwithstanding the information from GEPD and GBFS, 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 Planning Department pre-community meeting policy). Based on discussion at the December 17<sup>th</sup> Community Council District 4 public hearing, the applicant did not notify all the affected residents within these distance requirements as some residents from the Abingdon Manor subdivision located approximately 460 feet to the north of the subject property



(see aerial photo) who attended the Community Council meeting indicated that they were not notified of the pre-submittal community meeting. Additionally there were residents who indicated they lived in subdivisions within half a mile of the subject property and that they nor their homeowners association were notified. The Community Council recommended "full cycle deferral" to allow the applicant time to properly notify and conduct another community meeting to include notification of residential homeowners associations within a half mile of the subject property and all property owners within 500 feet of the subject property. Therefore, it is the recommendation of the Planning and Development Department that this application be, "Deferred, Full Cycle" to allow the applicant time to properly notify affected residents in the area and hold a community meeting which allows those residents within half a mile to participate.

**Attachments:**

1. Public Works Department Comments
  - a. Land Development Division
  - b. Traffic Engineering Division
2. Watershed Management Department Comments
3. Board of Health Comments
4. Board of Education Comments
5. Application
6. Site Plan
7. Zoning Map
8. Aerial Photograph
9. Photographs

## REZONING, LAND USE AMENDMENT, SPECIAL LAND USE PERMIT (SLUP), AND MAJOR MODIFICATION PROCESSES

This document provides an explanation of application filing procedures and their relationship to the public review and recommendation process.

- A. PRE-APPLICATION CONFERENCE.** In accordance with DeKalb County Board of Commissioners' Resolution, a Pre-application Conference with the Planning Department is required prior to filing. The Pre-application Conference must be requested in writing; email [mlpatterson@dekalbcountyga.gov](mailto:mlpatterson@dekalbcountyga.gov). For more information, you may call (404) 371-2155 x4 and ask for Mary Patterson.

During the conference, staff will review your proposal and proposed site plan, and inform you of the public hearing process. You are encouraged to consult the Official DeKalb County Zoning Code at [municode.com](http://municode.com) (go to Library, select State of Georgia and DeKalb County; the zoning regulations will be found in Chapter 27) or on the department's official website ([www.planningdekalb.net](http://www.planningdekalb.net); select Planning and Zoning from the menu at the left). Please consult the zoning districts regulations in Article II, and any applicable supplemental regulations in Article IV. You will also have the opportunity to ask staff questions about your project and the process.

- B. PRE-SUBMITTAL COMMUNITY MEETING. A COMMUNITY MEETING MUST BE HELD PRIOR TO SUBMITTING YOUR APPLICATION.** No application for an amendment to the land use plan, an amendment to the official zoning map, special land use permit, or a major amendment/modification to conditions of zoning shall be filed and/or accepted for filing until you have attended and held a publicized pre-submittal community meeting(s) with surrounding neighborhood association(s) and/or community groups within one-half (1/2) mile of the subject property, as well as adjacent and nearby property owners within five hundred (500) feet of the subject property. A notice of the pre-submittal community meeting shall be made in writing. The pre-submittal community meeting shall be scheduled at 7:00 p.m. on a weekday (Monday – Friday) in a facility within one-half (1/2) mile of the subject property and shall not take place less than fifteen (15) days after the date of the written notice. **Applicants are required to provide documentation of the meeting notice distributed and sign-in sheets from the meeting** (include name and address of attendees) so that the application can be considered complete. Correspondence from the neighborhood association(s) or residents from the community may also be submitted.

- C. FILING YOUR APPLICATION.** Complete the application form for a Rezone, SLUP, Modification or Land Use Amendment. **Please refer to the Rezone Calendar for filing deadlines and public hearing dates.** Refer to the Rezone Calendar Resolution for defined terms and descriptions related to filing deadlines, the calendar schedule, and the filing cap. Refer to the checklist of items needed to complete the filing of an application. All applications must be filed in person. Office and counter hours are from 8:30 A.M. to 4:00 P.M., Monday thru Friday. Filing an application on the deadline date does not ensure a place on the agenda; there is a cap on the number of cases based on the approved BOC Rezone

PRE-SUBMITTAL COMMUNITY MEETING <sup>unmarked</sup> 404-297-0883

MEETING SIGN-IN SHEET

Project: Boston's Mortuary "Piccadilly" Meeting Date: 10/30/19  
 Facilitator: Tariq Abdullah / Client: Change Boston Location: Memorial Drive

Name Address Phone Email

Tiffany Green Abdullah 53 Homally Ln Stmn 6 617-901-1901 tgreeneabdullah@gmail.com

Mike Boston 2171 Peachtree Rd 30013 678-756-9771 mboston@rednet.com

Demetrius McClary 5156 Lakerock Dr., SW 678-984-1245 d1loyd@aol.com

MARCO DE ZAN 1172 HUNTERS GLENDA, STMN 404-597-0000

Lawrence K: 11.4 1171 Hunters Glen Dr, STMN 404 964 9919 lawrencek11@gmail.com

Eric Oppong Agyare 5660 Memorial Dr. Stn. Mt 404-874-2496

John Andrew Bronsted 4427 Dallis Ct. Stone Mt. 30083 678-521-0033

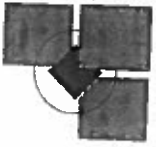
Charlene Brown 4424 Dallis Ct. Stn. Mt. 30083 BrownCharlene69@gmail.com

William Williams HEARTHSTONE GRADE SUBDIVISION

Andrienne Harris 4418 Dallis Ct Stmn, GA 30083 404-390-0906 andrienneharris@gmail.com

M Dowell Old Courtstr Rd. Lithonia mhdowell1006@gmail.com

Smart Net



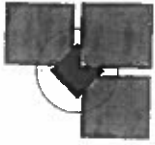
COMMUNITY COUNCIL MEETING  
SIGN-IN SHEET

DATE: DECEMBER 10, 2019

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Applicants and Guests

Name	Affiliation	Telephone Number	E-mail
Stephanie Williams	Resident	678.794 9448	Leaders Thinkers Does@gmail.com
Lee Head	Resident		Leeestherhead @gmail.com
Deborah Williams	Resident	<del>404-234-8888</del>	Judge Deborah @gmail.com
Sandra Tajo	Community		sbtbless@yelp.com
Clarence Bost	Applicant	404 449 6295	clarence.bost@hotm.com
Michel Bost	Applicant	678-956 9771	Boston Investment group@aol.com
Todd Wind	Trustel Development	917.497.8020	twind@trusteldevelopment.com
Brian Waterfield	Trustel Development	917.497.8520	twind@trusteldevelopment.com
Shirley Miller	Flintridge Forrest	404- 296-0814	flintridgeforrest @gmail.com
Sonia Anderson	Bingdon Manor	404-298-6427	soniaanderson2439 @comcast.net
ANNE CLARKE	SCOTDALE AVONDALE COMMUNITY GROUP RESIDENT	404-587 7887	ANNE.CLARKE @USA.NET
Debra Greenwood	SMILE	404-234- 2478	smilega30003@ debra404@gmail.com



COMMUNITY COUNCIL MEETING  
SIGN-IN SHEET

DATE: DECEMBER 10, 2019

17

Applicants and Guests

Name	Affiliation	Telephone Number	E-mail
Diane Harling	Flintridge Dr.		dharling@yahoo.com
Ronda Wansa	Les Chateau		rubi@chateau.com
April Johnson	Heathstone Manor Abingdon		april.itrecruiter@gmail.com
Linda King-DeShazo			linda-deshazo@yahoo.com
Margaret Perre	Abingdon Manor		ycuepyta1976@Bellsouth.net
Roderick & Rosetta Wyatt	Abingdon Manor resident Mountain Estates		rwyo@Bellsouth.net
Argean Vokes			avokes@gmail.com



# GEORGIA

DEPARTMENT OF NATURAL RESOURCES

## ENVIRONMENTAL PROTECTION DIVISION

**Richard E. Dunn, Director**

**Air Protection Branch**  
4244 International Parkway  
Suite 120  
Atlanta, Georgia 30354  
404-363-7000

**DEC 05 2019**

Clarence Boston  
CEO  
Boston Investment Group  
4300 Statesville Road  
Charlotte, North Carolina 28269

**RE:** Air Permit Application No. 27302  
Boston Mortuary, AIRS No. 08900407

Dear Boston:

November 18, 2019, the Air Protection Branch received your Air Quality Permit Application (assigned application number 27302) regarding a new crematory at your Boston's Mortuary, located in Stone Mountain, Georgia DeKalb County. According to information provided in your application, the facility is exempt from permitting, as discussed below.

In accordance with Georgia Rules for Air Quality Control, Chapter 391-3-1-.03, section (6) thereof relating to "Exemptions", the proposed modifications at the above-mentioned facility do not require an Air Quality Permit Amendment in accordance with the following exemption(s):

- (6) Exemptions. Unless otherwise required by the Director, SIP permits shall not be required for the following source activities. These exemptions may not be used to avoid any emission limitations or standards of the Rules for Air Quality Control Chapter 391-3-1-.02, lower the potential to emit below "major source" thresholds or to avoid any "applicable requirement" (i.e., NSPS, NESHAP, etc.) as defined in 40 CFR Part 70.2.
- (b) Combustion Equipment.
  - 7. Funeral homes and crematories of any size.

The Georgia State Board of Funeral Services, under the State of Georgia Secretary of State's Office, has administrative authority over Funeral Homes and Crematories.

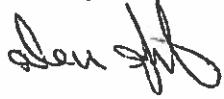
In accordance with Georgia Rule 391-3-1-.02(2)(a)1: "No person owning, leasing or controlling the operation of any air contaminant sources shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions, cause, permit, or allow the emission from said air contamination source or sources of such quantities of air contaminants as will cause, or tend to cause, by themselves or in conjunction with other air contaminants a condition of air pollution in quantities or characteristics or of a duration which is injurious or which unreasonably interferes with the enjoyment of life or use of property in such area of the State as is affected thereby. Complying with any of the other sections of these rules and regulations or any subdivisions thereof, shall in no way exempt a person from this provision."

Your application will be placed in the EPD Air Quality Permit file for reference. This does not relieve Boston's Mortuary from responsibility for compliance with all applicable air emission standards. Any future modifications will continue to require review and possible permitting through this office.

Mr. Boston  
CEO

If you have any questions or comments, feel free to contact me at (404) 363-7121 or via email at [Alaa.Afifi@dnr.ga.gov](mailto:Alaa.Afifi@dnr.ga.gov).

Sincerely,



Alaa-Eldin A. Afifi  
Environmental Engineer  
Stationary Source Permitting Program

# Georgia EPD Email

Reid, John

---

**From:** Eason, James <James.Eason@dnr.ga.gov>  
**Sent:** Friday, November 8, 2019 11:40 AM  
**To:** Reid, John  
**Cc:** Oser, DeAnna  
**Subject:** RE: Proposed Crematory questions relating to Georgia EPD regulations and Air Quality Permit

Mr. Reid:

You contacted Georgia EPD's Air Protection Branch with questions regarding a proposed crematory in Dekalb County.

In Georgia, crematories are exempt from obtaining an Air Quality Permit by Georgia Rule 391-3-1-.03(6)(b)7, "Funeral homes and crematories of any size." This exemption is for the requirement to obtain an Air Quality Permit and does not exempt them from complying with the Georgia Rules 391-3-1-.02(b), "Visible Emissions" and (c), "Incinerators." These Rules limit and amount of opacity (visible emissions) and particulate emissions coming from the unit. Properly operated crematories have no problem complying with these Rules. In addition, crematories are exempt from Federal air quality regulations.

EPD's Air Protection Branch has no reporting or notification requirements for crematories. However, they may request written conformation that their unit does not need a permit.

The Georgia State Board of Funeral Services, under the State of Georgia Secretary of State's Office, has administrative authority over Funeral Homes and Crematories.

If you have additional questions or would like to discuss the matter, please contact me via the contact information below.

Thank you

*James A. Eason*

Unit Manager  
NOx Permitting Unit  
Stationary Source Permitting Program  
Georgia Environmental Protection Division  
4244 International Parkway, Suite 120  
Atlanta, Georgia 30354  
Phone: 404-363-7143  
Fax: 404-363-7100



**From:** Oser, DeAnna <DeAnna.Oser@dnr.ga.gov>  
**Sent:** Thursday, November 7, 2019 12:51 PM  
**To:** Eason, James <James.Eason@dnr.ga.gov>  
**Subject:** FW: Proposed Crematory questions relating to Georgia EPD regulations and Air Quality Permit

Here is the email I mentioned to you. Thank you.

**From:** Reid, John <[jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov)>  
**Sent:** Wednesday, November 6, 2019 4:33 PM  
**To:** Oser, DeAnna <[DeAnna.Oser@dnr.ga.gov](mailto:DeAnna.Oser@dnr.ga.gov)>  
**Subject:** Proposed Crematory questions relating to Georgia EPD regulations and Air Quality Permit

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Deanna,

It was a pleasure talking with you this afternoon. Per our conversation, we have a an applicant wanting to build a new crematory in DeKalb County at 5644 Memorial Drive that is on our January 2020 rezoning agenda.

I am trying to figure out the following information:

1. Is an Air Quality Permit required?
2. What State and Federal requirements, inspections, environmental assessment reports apply to crematories? Do you know of other boards or agencies that regulate crematories?
3. Are there industry standards for crematories regarding air and water quality?

The last time we had a crematory proposed in DeKalb County was for A.S Turner and Son at the corner of North Decatur Road and Winn Way. **As part of the applicant's application, they had submitted a letter from Georgia EPD via Kent Pierce on September 26, 1996 regarding applicable rules and regulations from Georgia EPD.** I have attached this letter to this email (see attached "Crematory Letter from Georgia EPD") Would it be possible to have a similar letter written with current date and updated information mailed to DeKalb County Planning Department?

For your convenience I have also attached a copy of the applicant's *Special Land Use Permit* application.

Thanks for any help you can provide.

Respectfully,

COPY

Georgia Department of Natural Resources

Environmental Protection Division, Air Protection Branch  
4244 International Parkway, Suite 120, Atlanta, Georgia 30354  
404/363-7000

Lynne C. Barrett, Commissioner  
Harold F. Reheis, Director

September 26, 1996

Georgia

RE: Air Quality Regulations for Crematories

Dear Mr. :

This is in response to your letter dated September 23, 1996 inquiring about Georgia's air quality regulations for crematory incinerators.

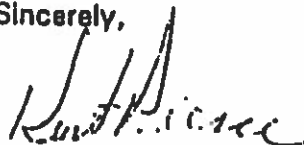
**At this time, the Division does not require crematories to obtain an Air Quality Permit. When operated properly, emissions from crematories should not have a significant impact on air quality.**

Crematory incinerators are exempt from permitting requirements according to Georgia Air Quality Control Rule 391-3-1-.03(6)(b)7 (attached). However, exemption from permitting does not relieve you from the responsibility of operating the unit in compliance with Rule 391-3-1-.02(2)(c), "Incinerators" (attached). Please note that Rule (c) limits particulate matter emissions and the opacity of the visible emissions must be less than 20 percent. The Rule also contains design requirements for incinerators.

Your incinerator will be subject to inspection to evaluate the operation of the unit for compliance with our Rules. If any of these inspections indicate noncompliance, you may be required to demonstrate compliance with applicable emission limits or modify the unit.

If you have any questions, please feel free to contact me at 404/363-7103.

Sincerely,



Kent Pierce  
Environmental Engineer  
Stationary Source Permitting Program

Attachments  
cc: Middle Georgia Regional Office

Mailed Thursday November 26, 2019

Chief Executive Officer  
Michael Thurmond

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

Director  
Andrew A. Baker, AICP

November 26, 2019

Steve Lindsey, Executive Director  
Georgia State Board of Funeral Service  
237 Coliseum Drive  
Macon, Georgia 31217  
Phone: 478-207-2440  
Fax: 866-888-8026

Mr. Lindsey,

This is John Reid from the DeKalb County Planning & Sustainability Department in Decatur, Georgia. I am a Senior Planner and have been assigned a zoning case requesting a Special Land Use Permit (SLUP) for a crematory at 5644 Memorial Drive on our January 2020 zoning agenda.

As part of my review of the application, I am trying to determine the answer to various State of Georgia regulatory requirements as it relates to crematoriums. I have been in contact with the Georgia EPD, but I also was wondering if you might be able to answer, or direct me to someone who might know the answer, to the following questions:

1. Do crematories have to be licensed? Are crematories currently licensed and regulated by the Georgia Board of Funeral Services?
2. Does the license have to be renewed for a crematory? If so how often?
3. Are there maintenance standards and/or inspections by the Georgia Funeral Board for crematories? If so can you send me this information?
4. Does the crematory equipment have to be certified? If so, who certifies? Does it have to be certified by the Cremation Association of North America?
5. Is there any other pertinent information you may know of regarding rules and regulations which ensure public safety to surrounding residential neighborhoods?

I know these are a lot of questions, and I appreciate any help you can provide.

Please respond back to me at my email address: [jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov)

Respectfully,



John Reid  
Senior Planner  
DeKalb County Planning & Sustainability Department  
Clark Harrison Building  
3<sup>rd</sup> Floor  
330 West Ponce De Leon Avenue  
Decatur, Georgia 30030  
[jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov)

# Georgia Board of Funeral Service Email & Info

**Fleming, Tanya**

---

**From:** Reid, John  
**Sent:** Thursday, December 5, 2019 3:24 PM  
**To:** Fleming, Tanya  
**Subject:** FW: Georgia Board of Funeral Service  
**Attachments:** 07.pdf

fyi

**From:** Murray, Carla [mailto:cmurray@sos.ga.gov]  
**Sent:** Wednesday, December 4, 2019 2:37 PM  
**To:** Reid, John  
**Subject:** Georgia Board of Funeral Service

Mr. Reid,

Please see the attached information regarding the inspection process for crematories in the State of Georgia. The rules in full may be found here: <http://rules.sos.ga.gov/gac/250>

**Georgia Administrative Code**  
**Department 250. RULES OF GEORGIA STATE BOARD OF FUNERAL SERVICE**  
**Chapter 250-6. ESTABLISHMENT/CREMATORY LICENSURE AND REGULATIONS**

*Current through Rules and Regulations Filed through November 14, 2019*

## **Rule 250-6-.05. Renewal: Funeral Establishment / Crematory**

- (1) Each funeral establishment or crematory license expires on March 31 of even-numbered years. A license may be renewed with the submission of an application plus renewal fee prior to expiration.
- (2) During the period between April 1 and April 30 immediately following the expiration of a license, the license may be renewed upon submission of an application and a late renewal fee in addition to the regular renewal fee. After April 1 and before April 30 the Board staff will notify the Funeral Director in Full and Continuous Charge in writing, at the address on file with the Board, of their failure to renew.
- (3) Failure to renew a funeral establishment or crematory license prior to May 1 following the late renewal period shall have the same effect as revocation. Thereafter, the owner must submit a new application, the establishment must pass an inspection, and the owner and Funeral Director in Full and Continuous Charge, at the Board's discretion, may be required to appear before the Board to gain licensure. Any establishment or crematory failing to renew prior to May 1 will be subject to fines and disciplinary action by the Board.

Carla Murray  
Licensing Supervisor  
Trades 3  
Professional Licensing Boards Division  
Main: 478-207-2440  
Fax: 470-312-2687  
[www.sos.ga.gov/plb](http://www.sos.ga.gov/plb)

## **Rule 250-6-.07. Crematory Inspections. Amended**

- (1) A representative of the Board shall regularly inspect crematories no less frequently than annually between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday.

Although the funeral director in full and continuous charge need not be present for the inspection, the crematory must be open during these hours for inspection. Requirements of inspections are as follows:

- (a) A room with seating for a minimum of thirty (30) people in which funeral services may be conducted; the fine for a violation under this subsection shall be \$100.00;
  - (b) A display room containing an adequate supply of urns; the fine for a violation under this subsection shall be \$50.00;
  - (c) One (1) operable motor hearse with current Georgia registration for the transportation of human remains which must be either owned or leased by said firm; the fine for a violation under this subsection shall be \$100.00;
  - (d) At least one (1) operable retort for cremation; the fine for a violation of this subsection shall be \$200.00;
  - (e) At least one (1) operable processing station for grinding of cremated remains; The fine for a violation of this subsection shall be \$200.00;
  - (f) At least one (1) church truck; the fine for a violation of this subsection shall be \$50.00;
  - (g) A current license for the crematory and funeral director, which must be conspicuously displayed; the fine for a violation of this subsection shall be \$100.00;
- 
- (h) The provisions of paragraphs (a), (b), and (f) of this Rule shall not apply to crematories which provide cremation services only to other funeral establishments; and
  - (i) The Funeral Director in Full and Continuous Charge for each crematory shall conspicuously display his/her name and current active license in all designated arrangement rooms; the fine for a violation of this subsection shall be \$100.00.
- (2) A representative of the Board shall be authorized to obtain information on the retort used by the establishment for cremations. Such information shall include, but not be limited to:
- (a) Make and model of the retort;
  - (b) Manufacturer's name;
  - (c) Year installed;
  - (d) Date of most recent manufacturer's inspection;

- (e) Copy of most recent inspection report from manufacturer; and
  - (f) Documentation regarding necessary repairs to the retort.
- (3) The Board shall require crematories to have annual inspections of the retort by the manufacturer or other authorized crematory repair company to ensure proper operations. The Funeral Director in Full and Continuous Charge shall notify the Board within 5 (five) days of the inspection of a less than satisfactory report by presenting the Board with a copy of the inspection report. The Board shall require crematories to make necessary repairs to the retort immediately, not to exceed thirty (30) days without approval by the Board. Any crematory that does not make the necessary repairs noted on the manufacturer's inspection within the time allowed by the Board shall be subject to immediate suspension of licensure until the Board is satisfied that proper repairs have been made.
- (4) The Board shall require the Funeral Director in Full and Continuous Charge to be certified as crematory operator from a course approved by the Board.
-



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

N-4

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO  
MADOLYN SPANN [MSPANN@DEKALBCOUNTYGA.GOV](mailto:MSPANN@DEKALBCOUNTYGA.GOV) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)**

**COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-20-1243616 Parcel I.D. #: 18070-.01015

Address: 5644  
MEMORIAL DR  
STONE MOUNTAIN GA.

Adjacent Roadway (s):

(classification)	(classification)

Capacity (TPD) _____ Latest Count (TPD) _____ Hourly Capacity (VPH) _____ Peak Hour. Volume (VPH) _____ Existing number of traffic lanes _____ Existing right of way width _____ Proposed number of traffic lanes _____ Proposed right of way width _____	Capacity (TPD) _____ Latest Count (TPD) _____ Hourly Capacity (VPH) _____ Peak Hour. Volume (VPH) _____ Existing number of traffic lanes _____ Existing right of way width _____ Proposed number of traffic lanes _____ Proposed right of way width _____
--	--

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7<sup>TH</sup> Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the \_\_\_\_\_ square foot place of worship building would generate \_\_\_\_\_ vehicle trip ends, with approximately \_\_\_ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the \_\_\_\_\_ (Single Family Residential) District designation which allows a maximum of \_\_\_ units per acres, and the given fact that the project site is approximately \_\_\_ acres in land area, \_\_\_\_\_ daily vehicle trip end, and \_\_\_ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

<p><u>PLANS AND FIELD REVIEWED. NO PROBLEM THAT</u></p>
<p><u>WOULD INTERFERE WITH TRAFFIC FLOW.</u></p>
<p><u>12-7-19</u></p>

Signature: Jerry White



DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER [mmalexander@dekalbcountyga.gov](mailto:mmalexander@dekalbcountyga.gov) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER

Case No.: SLUP-20-1243616

Parcel I.D. #: 18-070-01-015

Address: 5644 Memorial Drive

Stone Mountain, Georgia

WATER:

Size of existing water main: 12" DI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Upper Snapfinger Creek Basin

Is sewer adjacent to property: Yes (X) No ( ) If no, distance to nearest line: \_\_\_\_\_

Water Treatment Facility: Snapfinger Creek WTF ( ) adequate ( ) inadequate

Sewage Capacity; \* (MGPD)

Current Flow: 21.77 (MGPD)

COMMENTS:

\* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

THIS AREA HAS SEWER CAPACITY RESTRICTIONS.  
A SEWER ACCESS PLAN WILL BE REQUIRED.

MJO

Signature: [Signature]





770.414.2355 (o)  
404.298.4446 (f)  
DeKalbCountyga.gov

Watershed Management  
4572 Memorial Drive  
Decatur, GA 30032

Chief Executive Officer  
Michael Thurmond

Board of Commissioners

District 1  
Nancy Jester

District 2  
Jeff Rader

District 3  
Larry Johnson

District 4  
Stephen Bradshaw

District 5  
Mereda Davis Johnson

District 6  
Kathie Gannon

District 7  
Lorraine Cochran-Johnson

**MEMORANDUM**

**DATE:** December 10, 2019  
**TO:** LaSondra H. Hill  
Planning & Sustainability Division  
**FROM:** Michelle L. Otts, P.E. Engineering Manager  
Division of Planning & Development  
**RE:** JANUARY 2020 Rezone Application(s) for Planning Commission and  
Board of Commissioners Public Hearing

Attached is the Water and Sewer information requested for the rezoning cases in question.

Please be aware that projects may be located within a Sanitary Sewer capacity restricted area.

If additional information is required, please call me directly at @ 404-371-4918.

Michelle L. Otts, P.E.  
Engineering Manager  
Division of Planning & Development

# 2010 SLUP FOR CREMATORY

## A.S. Turner & Sons



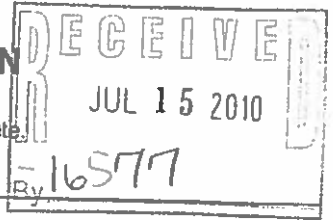
DeKalb County Planning & Development Department

Burrell Ellis  
Chief Executive Officer

Patrick Ejike  
Director

### SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing date.



Date Received: \_\_\_\_\_

Application No.: SLUP-10-16577

(To be filled out by the Planning and Development Department)

APPLICANT NAME: A. S. Turner and Sons, Inc. c/o Laurel David, Esq.

Daytime Phone #: 404-965-3669 Fax #: 404-965-3670

Mailing Address: Dillard & Galloway, LLC  
3500 Lenox Road, N.E., Suite 760  
Atlanta, GA 30326 E-mail: laurel@dandglaw.com

OWNER NAME: A. S. Turner and Sons, Inc.  
(If more than one owner, attach contact information for each owner)

Daytime Phone #: 404-965-3669 Fax #: 404-965-3670

Mailing Address: Dillard & Galloway, LLC  
3500 Lenox Road, N.E., Suite 760  
Atlanta, GA 30326 E-mail: laurel@dandglaw.com

SUBJECT PROPERTY ADDRESS OR LOCATION: 2773 N. Decatur Road  
Decatur, DeKalb County, GA, 30033

District(s): 18 Land Lot(s): 0048 Block(s): 01 Parcel(s): 002

Acreage or Square Feet: 5.92 Commission District(s): 2 & 7 Existing Zoning: 01

Proposed Special Land Use (SLUP): to allow a crematory as an accessory to a funeral home.

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

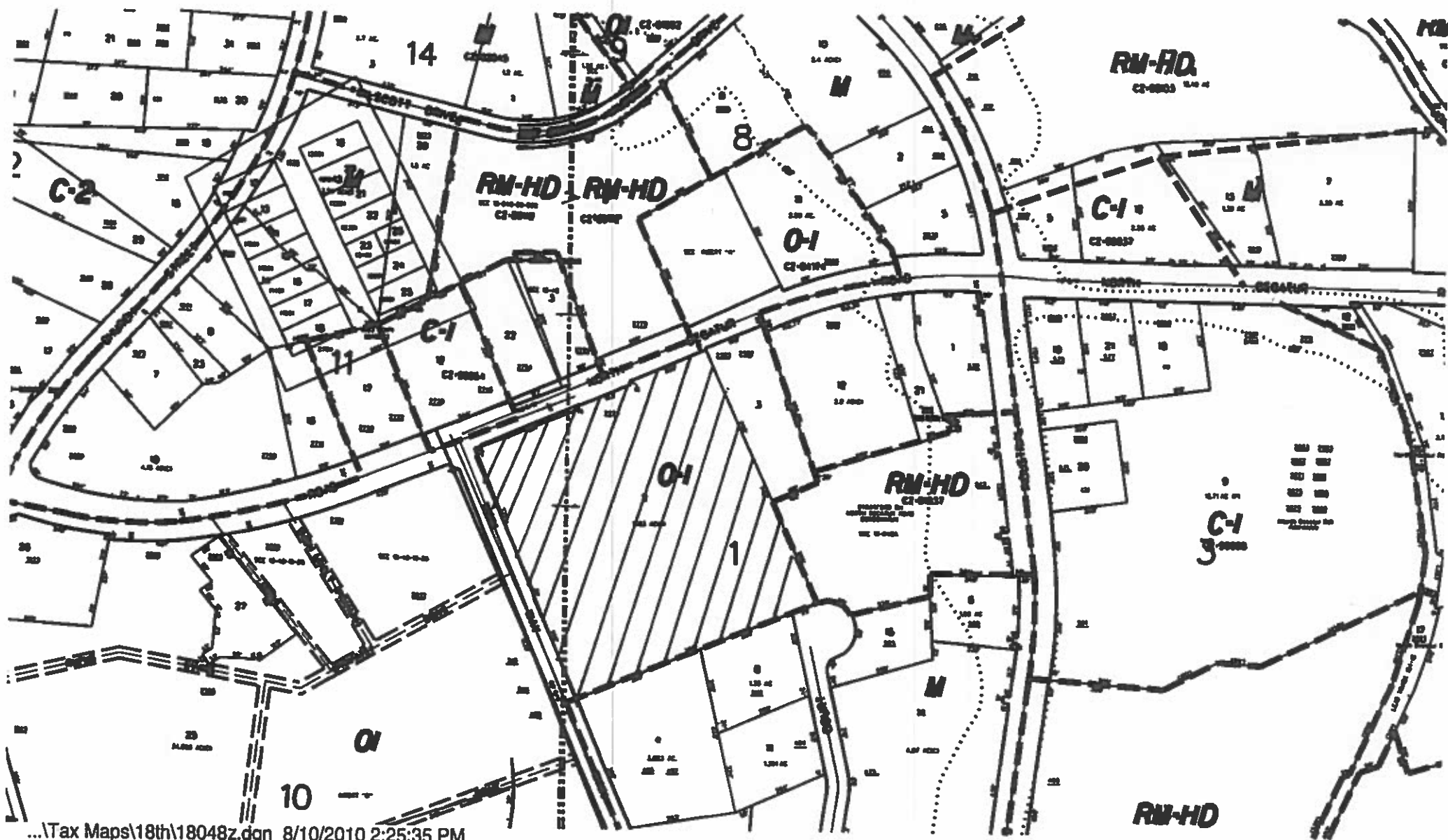
Owner:  Agent: \_\_\_\_\_ Signature of Applicant: Fred C. Turner  
(Check One)

Printed Name of Applicant: Fred C. Turner

Notary Signature and Seal:  
[Signature]

330 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030  
(voice) 404 371 2155 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007  
Web Address <http://www.co.dekalb.ga.us/planning>  
Email Address: [planninganddevelopment@co.dekalb.ga.us](mailto:planninganddevelopment@co.dekalb.ga.us)

# 2010 SLUP FOR CREMATORY-A.S. Turner & Sons



# 2010 SLUP For crematory

DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

ZONING AGENDA / MINUTES

MEETING DATE: September 28, 2010

HEARING TYPE  
PUBLIC HEARING

ACTION TYPE  
ORDINANCE

SUBJECT: Special Land Use Permit – A. S. Turner & Sons

COMMISSION DISTRICTS: 2 & 6

DEPARTMENT: Planning

PUBLIC HEARING:  YES  NO

ATTACHMENT: YES

INFORMATION Jonathan Weintraub/Kevin Hunter

PAGES: 38

CONTACT: (404) 371-2155

PHONE NUMBER:

## PURPOSE:

SLUP-10-16577

Application of A.S. Turner & Sons to request a Special Land Use Permit to allow a crematory as an accessory use to a funeral home in the O-I (Office-Institutional) District. The property is located on the southeast corner of North Decatur Road and Winn Way, approximately 765 feet west of DeKalb Industrial Way at 2773 North Decatur Road. The property has approximately 655 feet of frontage along North Decatur Road and approximately 700 feet along Winn Way and contains 11.78 acres.

Subject Property: 18-048-01-002

## RECOMMENDATIONS:

### PLANNING DEPARTMENT:

**APPROVAL WITH CONDITIONS.** Based on the submitted information, and field investigation of the project site and surrounding area, it appears that the proposed project meets all of the requirements of Section 27-490 (c) of the Zoning Ordinance for approval of a Special Land Use Permit for a "crematory as an accessory use to a funeral home". It appears that the size of the project site would be adequate for the proposed accessory crematory use (Section 27-873[A]). The O-I district requires 20,000 square feet of lot area (approx. .46 acres), and the project site contains approximately 11.78 acres. All required building setbacks, lot widths, and off-street parking provisions comply with the Zoning Ordinance.

Based on the submitted information, and field investigation of the project site and surrounding area, it appears that the proposed accessory crematory use will not create adverse impacts upon adjoining land uses by reason of hours of operation or by noise, smoke, odor or vibration, and would be compatible with adjacent properties (Section 27-873 B, G, & H). Based on a letter from the Georgia Department of Natural Resources, crematories should have no significant impact on air quality if operated properly (see attached). Furthermore, current state laws and regulations provide for continued protection of the public health, safety, welfare, and environment of adjacent and nearby properties. Such state laws include licensure requirements, maintenance standards, and inspections by the Georgia Board of Funeral Services, and equipment certification by the Cremation Association of North America. Furthermore, crematory air emissions and equipment incinerators are subject to regulation and inspection by the Georgia Department of Natural Resources. In addition to state laws and regulations, the supplemental regulations of the DeKalb County Zoning Ordinance require that the crematory applicant provide a copy of a current and valid state license showing that the operator is certified and operating in accordance with all requirements imposed by state law or by regulation of the State of Georgia (see attached crematory text amendment, Section 27-296 [b]). Prior to the renewal of a crematory license each year, the applicant is also required to provide a copy of the annual maintenance contract with the manufacturer of the crematory, showing that the crematory is being adequately and consistently maintained in accordance with manufacturer's specifications.

Based on the submitted information, the proposed crematory is approximately 900 square feet, and occupies only 2.3% of the 38,800 square foot funeral home which is the principal use of the property. Additionally, the Zoning Ordinance requires a minimum of 200 feet between a crematory and residential use. The building containing the proposed crematory is 240 feet away from the adjacent RM-HD zoned condominiums to the east. Traffic impacts appear to be minimal since the crematory is an accessory operation to the funeral services currently occurring within the existing funeral home.

# 2010 SLUP For Crematory

Therefore, the proposed accessory crematory would be compatible with the established funeral home on the project site, as well as the established commercial, medical, and multi-family uses in the surrounding area since it complies with the minimum distance requirements of the zoning ordinance and is not anticipated to create adverse impacts on adjacent and nearby properties. It is the recommendation of the Planning Department that the application be "Approved with the following condition":

1. Crematory shall be limited to 900 square feet and shall be located in the southwest corner of the existing funeral home building closest to Winn Way.

## PLANNING COMMISSION:

Approved per staff recommendation 6-0-0. D. Edelson moved and V. Moore seconded for approval as recommended and conditioned by staff.

## COMMUNITY COUNCIL:

No Recommendation; No quorum.

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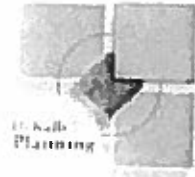
# 2010 TEXT AMENDMENT CREMATORY



The Honorable Burrell  
Ellis  
Chief Executive Officer

## DeKalb County Planning & Development Department

330 Ponce De Leon Avenue, Suite 500  
Decatur, GA 30030  
404/371-2155 or 404/371-2813(Fax)



## TEXT AMENDMENT ANALYSIS

AGENDA NO: N-14 ZONING CASE NO: TA-10-16501 MEETING DATE: July 27, 2010

APPLICANT: Dekalb County Board Of Commissioners

\*\*\*\*\*

### SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS:

Section 27-31 Definitions, Section 27-490 O-1 (Office-Institutional) District; Section 27-580 C-1 (Local Commercial) District; Section 27-600 C-2 (General Commercial) District and Section 27-796 Supplemental Regulations.

\*\*\*\*\*

### REASON OF REQUEST:

To amend Chapter 27 of the DeKalb County Code to allow and regulate crematoriums within the O-1 (Office-Institutional), C-1 (Local Commercial), and C-2 (General Commercial) zoning districts, its associated definitions, and for other purposes.

\*\*\*\*\*

### RECOMMENDATION(S):

#### PLANNING DEPARTMENT:

**APPROVAL** The subject amendment defines the term crematory, cremation, and funeral homes and proposes to allow the use as a Special Land Use Permit accessory to a funeral home business within the O-1 (Office Institutional), C-1 (Local Commercial) and C-2 (General Commercial). Funeral homes are currently allowed as a permitted use in the O-1, C-1, C-2, M and M-2 (Industrial) Zoning Districts. Currently, Crematory as a primary use or accessory is only allowed in the M (Industrial) and the M-2 (Industrial) Districts as a Special Land Use Permit. The subject amendment also provides Supplemental Regulations to address operational and location elements of a crematory in all districts where permitted. The term crematory shall also include animal cremation.

The Cremation Association of North America reports that cremations are becoming more common primarily due to its increasing social acceptance, improved technology and its affordability over typical burial arrangements. There are currently three crematories in DeKalb County, two of which are pet crematories and one associated with a funeral home in the City of Stone Mountain. The current amendment seeks to provide for these type services convenient to consumers the same as other typical funeral arrangements by allowing the crematory facilities internal and accessory to funeral homes, which would be the primary use of the property.

# 2010 Text Amendment Crematory

Crematories are currently licensed and regulated by the Georgia Board of Funeral Services. Rules governing licensure are in Title 43, Chapter 18 of the Official Code of Georgia (O.C.G.A. 43-18-72). The licensure requires renewal every two years and is subject to maintenance standards and inspections by the authority of the Georgia Funeral Board and equipment certification by the Cremation Association of North America. The Georgia Department of Natural Resources report that a crematory is exempt from permitting according to the Georgia Air Quality Control Ordinance (RULE 391-3-1-02 (2) (c) (C)). However, emissions are regulated and subject to inspection. It is reported that no environmental impacts are associated with the use as regulated.

## PLANNING COMMISSION:

## COMMUNITY COUNCIL:

Denial: CC 1 vote a recommendation of denial(5-0-0)

Denial: CC 4 vote a recommendation of denial(4-0-0)

Approval: CC 2 vote a recommendation of approval(6-1-0)

Denial: CC 3 vote a recommendation of denial(6-1-1)

**Reid, John**

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**From:** Brown, Charlene <charlene.brown@emoryhealthcare.org>  
**Sent:** Tuesday, December 17, 2019 8:39 AM  
**To:** Reid, John  
**Subject:** Public notice Request for special land use permit. Old Piccadilly on Memorial Dr.

Good morning Mr. Reid,

I reside off of Memorial Drive and Hambrick Road in the Hearthstone Glade Townhomes. I will not be available to attend the December 17, 2019 meeting. **Please be sure this email is given to my commissioner for reading at above meeting.**

I'm extremely concerned, not only with the population; but the traffic this funeral home and crematory will bring. A normal weekend traffic on Memorial Drive is heavy. There are weekly serious/near fatal auto accidents within feet of 5644 Memorial drive and Hambrick Road intersection.

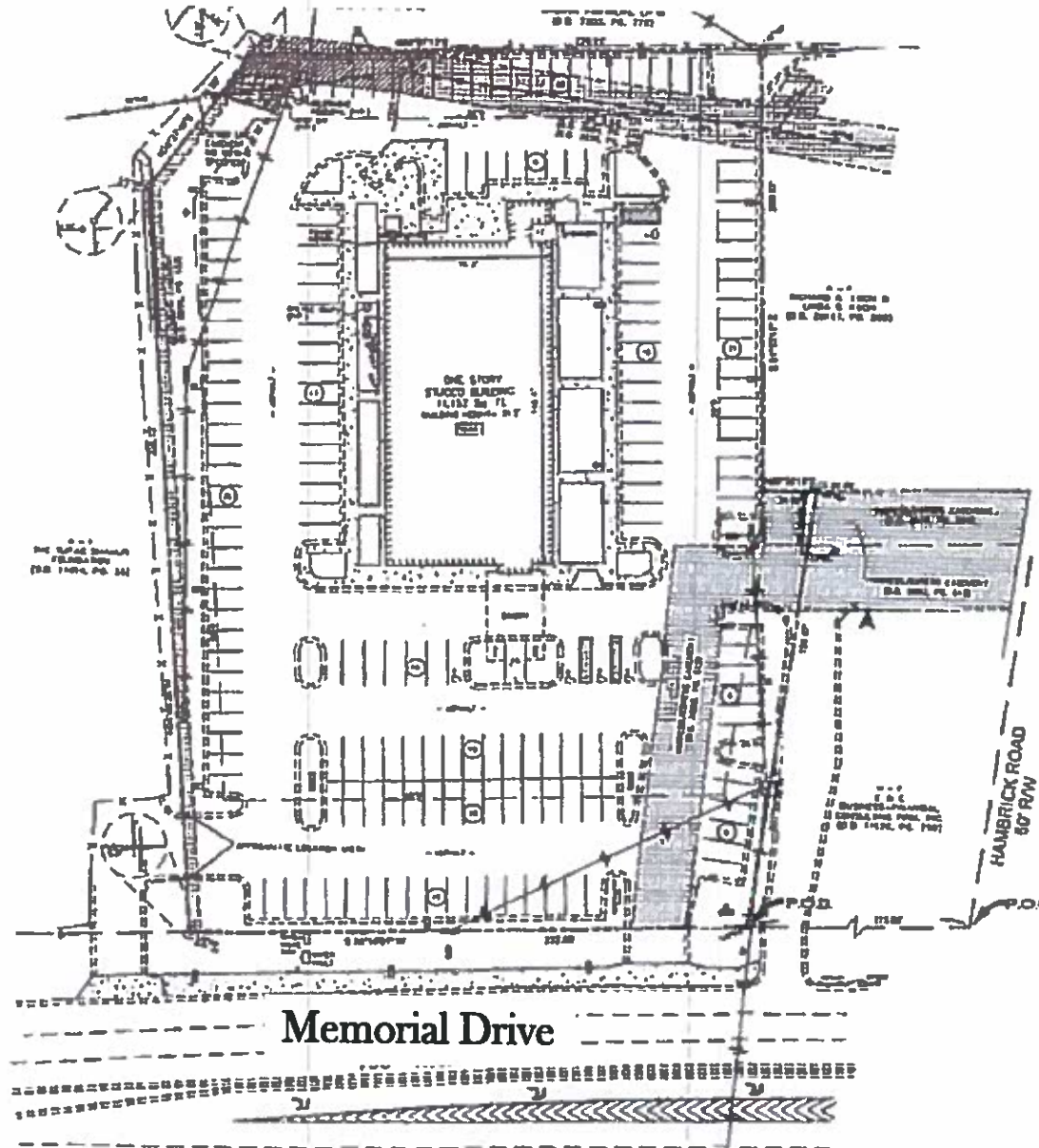
There are also concerts, held at the Executive Center Ample Theater Adding more vehicles will cause major traffic delays on Memorial Drive.

I'm voting 'NO' against this new project.

Thank you.  
Charlene Brown.

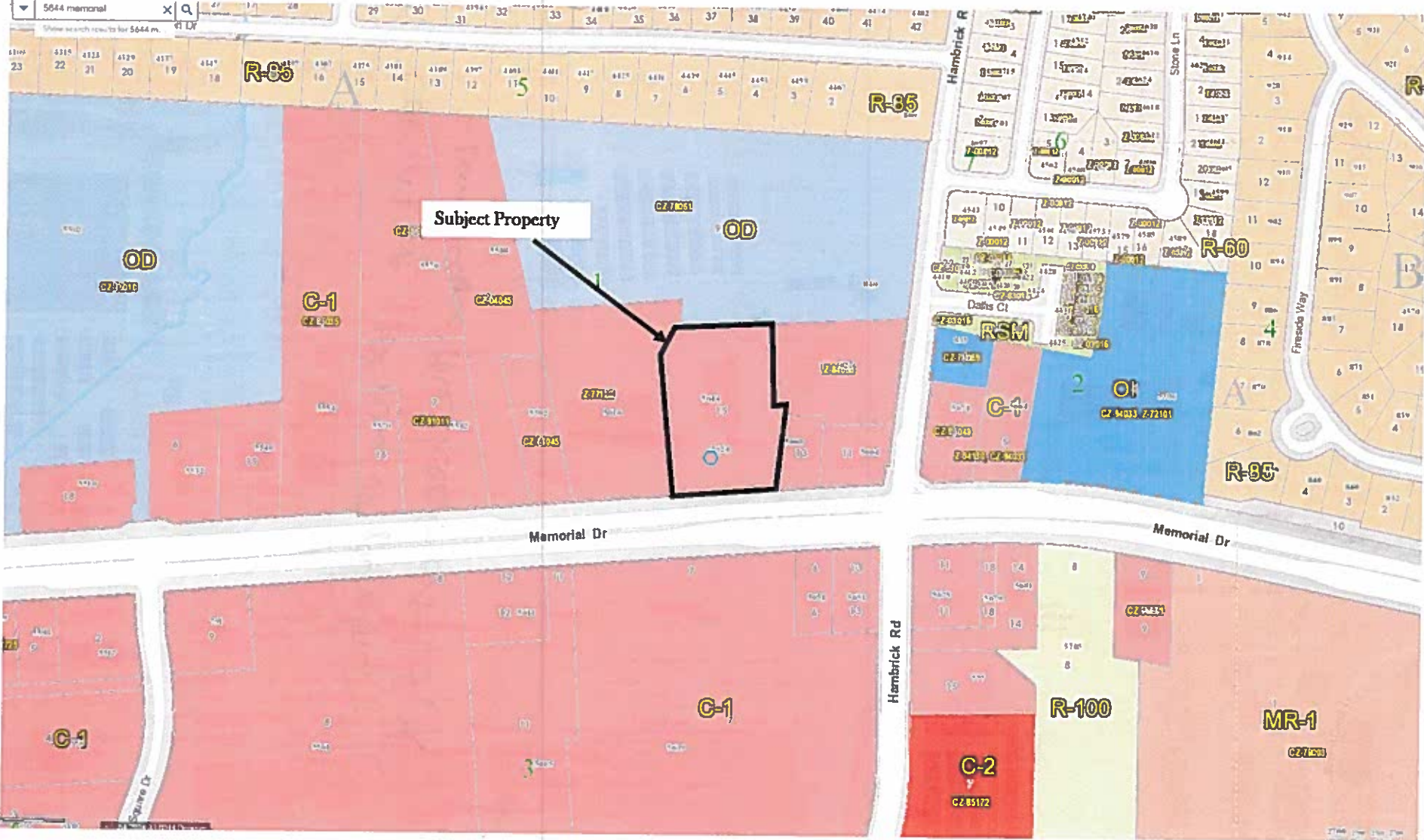
Sent from my Samsung Galaxy smartphone.



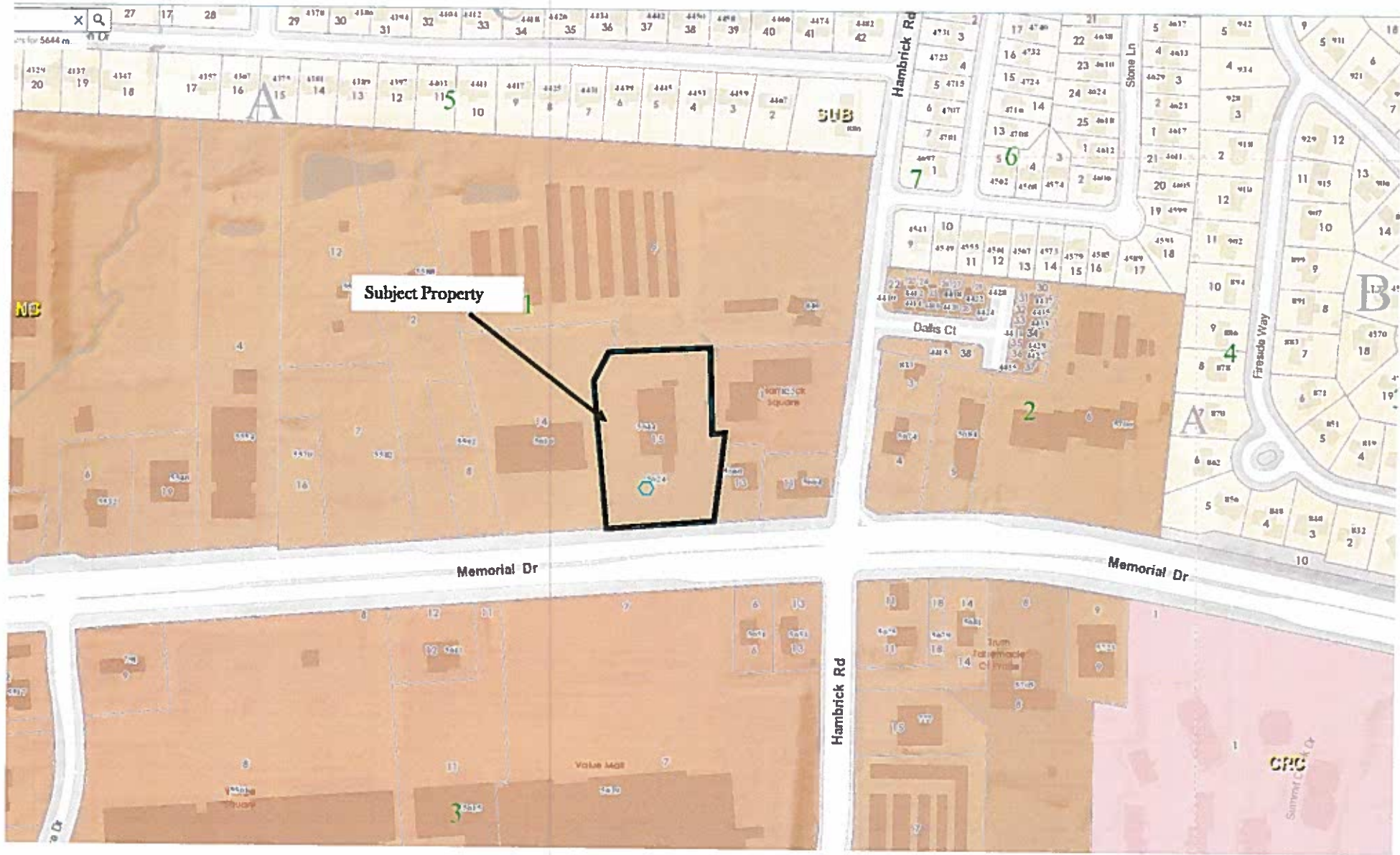




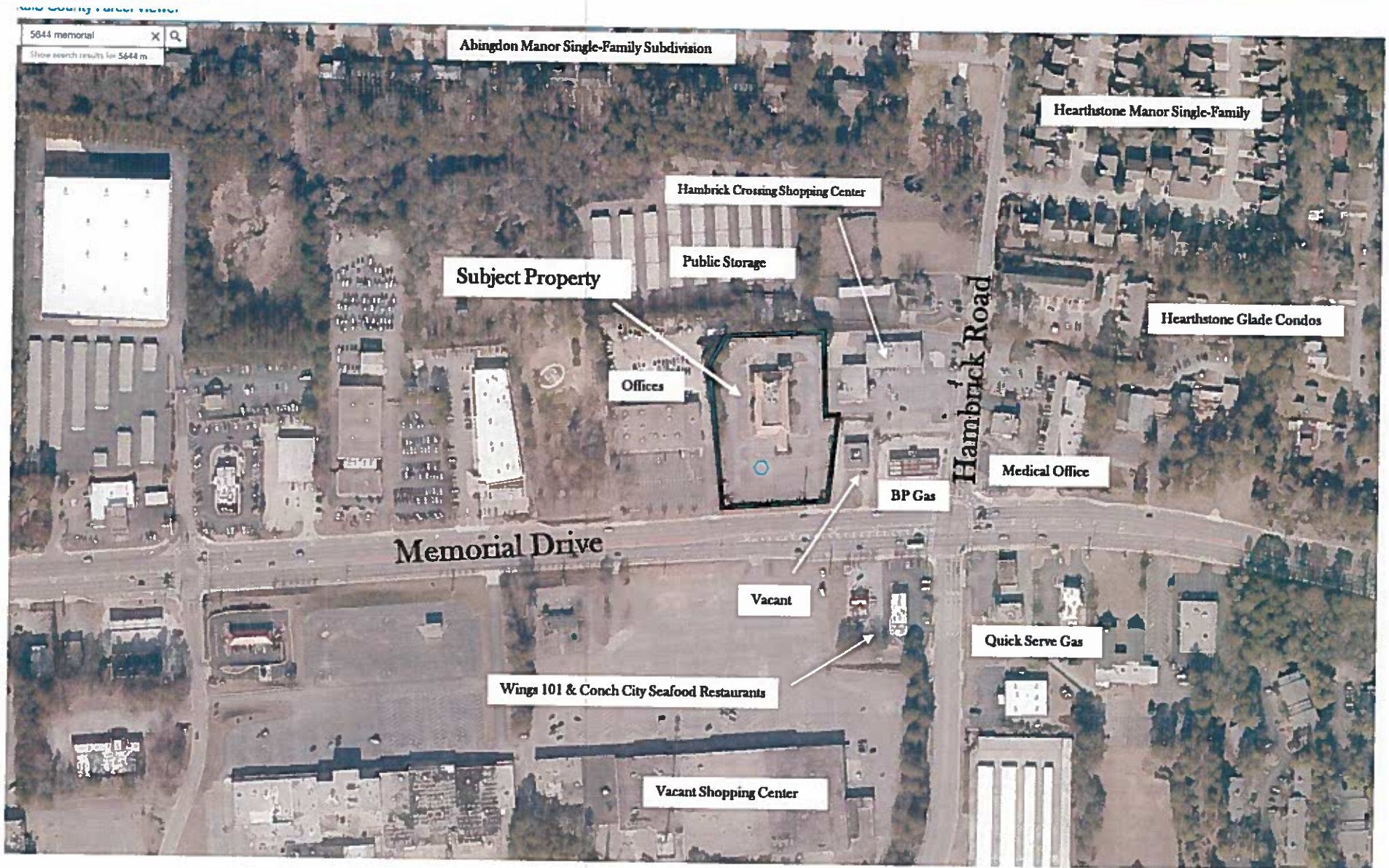
















DEPARTMENT OF PLANNING & SUSTAINABILITY

John

**SPECIAL LAND USE PERMIT APPLICATION**  
Amendments will not be accepted after 5 working days after the filing deadline.

Date Received: 10/31/2019 Application No: SLUP-20-1243616

APPLICANT NAME: Boston Investment Group

Daytime Phone: 404-449-6295 E-Mail: clarenceboston@hotmail.com

Mailing Address: 4300 Statesville Road, Charlotte, NC 28269

Owner Name: Iraj Zolghadr  
(If more than one owner, attach contact information for each owner)

Daytime Phone: 786-290-8428 E-Mail: ira@zolghadr.com

Mailing Address: 1535 Seabreeze Blvd, Fort Lauderdale, FL 33316

SUBJECT PROPERTY ADDRESS OR LOCATION: 5644 Memorial Drive  
Stone Mountain DeKalb County, GA, 30083

Parcel ID: 18-070-01-015 Acreage or Square Feet: \_\_\_\_\_ Commission Districts 4, 6

Existing Zoning: C1 Proposed Special Land Use (SLUP) \_\_\_\_\_  
Cumtoreum

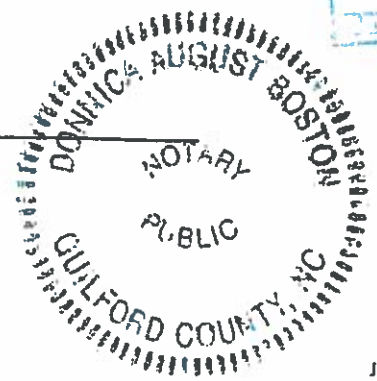
I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

Owner: \_\_\_\_\_ Agent:  Signature of Applicant  
[Signature]

RECEIVED  
OCT 31 2019

Printed Name of Applicant: Clarence Boston

Notary Signature and Seal: [Signature]  
Expires 11/7/2023





DEPARTMENT OF PLANNING & SUSTAINABILITY

**AUTHORIZATION**

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: 10/20/19

TO WHOM IT MAY CONCERN:

(I), (WE) IRAN ZOLGHADR  
Name of owners(s) (If more than one owner, attach a separate sheet)

Being (owner) (owners) of the subject property described below or attached hereby delegate authority to

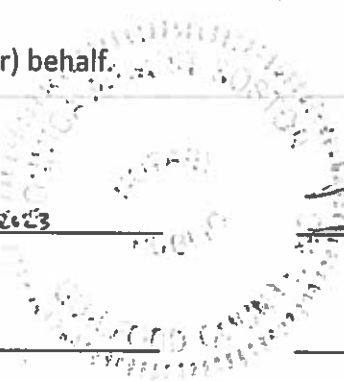
Clarence Boston

Name of Agent or Representative

to file an application on (my), (our) behalf.

[Signature]  
Notary Public

Expires 11/7/2023



[Signature]  
Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

## **Letter of Application**

5644 Memorial Drive, Stone Mountain, GA is located in a C-1 zoning district. We are applying for a Special Use Permit to allow a Crematorium to be located on the property as an accessory use to the funeral home. Currently, the property has been vacant for about six years and has been neglected and abused by vagrants. We are looking to enhance the property with a 2 million dollar budget, and create economic development in a somewhat distressed part of town. The funeral home and crematorium will operate during normal business hours from 9am – 5pm, with the exception of some holidays. We intend to create 14 new jobs in Stone Mountain and use local contractors to build out the new facility.

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## IMPACT ANALYSIS

Criteria: Sec 27-7.4.6 The following criteria shall be considered by the Department of Planning and Sustainability, the Planning Commission and the Board of Commissioners in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the Board of Commissioners unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and unless the application is in compliance with all applicable regulations in Article 4.

- A. Size of the site and land area is adequate for the proposed use including provision of all required yards, open space, off-street parking and all other applicable requirements of the zoning district which the use is proposed to be located.
- B. Proposed use is compatible with adjacent properties and land use, and other properties and land uses in the district.
- C. Contemplated adequate use of public services, public facilities, and utilities.
- D. Adequate use of the public street and sufficient traffic carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.
- E. Existing land uses located along access routes to the site will not be affected by the character of the vehicles or the volume of traffic generated by the proposed use.
- F. All proposed buildings, structures, and subject property uses thereon, ingress and egress with particular references to pedestrian and automotive safety and convenience, traffic flow and control and access in the event of fire or other emergency.
- G. Proposed use will not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor dust, or vibration.
- H. Proposed use will not create adverse impacts upon any adjoining land use by reason of the hours of operation.
- I. Proposed use will not create adverse impact on any adjoin land use by reason of the manner of operation.
- J. Proposed plan is consistent with all of the requirements of the zoning district classification in which the use is proposed to be located.
- K. Proposed use is consistent with the policies of the comprehensive plan.
- L. Proposed plan provides for all required buffer zones and transitional buffer zones where required by regulation of the district in which the use is proposed to be located.
- M. Provision of refuse and service area is adequate.
- N. Duration of granted special land use permit should not be limited.
- O. Appropriate size, scale, and massing of proposed buildings in relation to the size of the subject property and in relation to the size, scale, and massing of the adjacent and nearby lots and buildings.
- P. Proposed plan will not adversely affect historic buildings, sites, districts, or archeological resources.
- Q. Proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.
- R. Proposed building height will not create a negative shadow impact on any adjoining lot or building.
- S. Proposed use will be consistent and compatible with the needs of the neighborhood and the community as a whole and will not conflict with the overall objectives of the comprehensive plan.

Notice Date: 10-13-2019

## **PUBLIC NOTICE**

TO

### **REQUEST for a Special Land Use Permit**

Filed by: Boston's Mortuary

Located at: 5644 Memorial Drive

Stone Mountain, GA 30083

**Current Use – Restaurant**

**Proposed Use – Funeral Home/Crematorium**

#### **Hours of Operation**

**Current:** Vacant Property

**Proposed:** Monday – Saturday, 9am – 6pm

**Capacity:** No Change

**PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT:** Proposed Location

**Location:** 5644 Memorial Drive, Stone Mountain, GA 30083

**Date & Time:** Wednesday, October 30, 2019 7pm

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

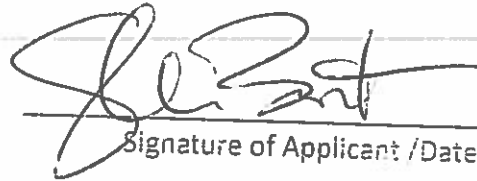
Yes \_\_\_\_\_ No  \*

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

\_\_\_\_\_  
Notary

  
\_\_\_\_\_  
Signature of Applicant /Date

Check one: Owner \_\_\_\_\_ Agent

\_\_\_\_\_  
Expiration Date/ Seal

\*Notarization is not needed if the response is "No"

Chief Executive Officer  
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director  
Andrew A. Baker, AICP

**PRE-APPLICATION FORM**  
**REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE**  
(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Boston Investment Group <sup>Clarence Boston</sup> Phone: 404-449-6295 Email: clarence.boston@btmco.com

Property Address: 5624 Memorial Drive, 5624 Memorial

Tax Parcel ID: 18-070-01-015 Comm. District(s): 4, 6 Acreage: \_\_\_\_\_

Existing Use: Vacant <sup>021</sup> Parcel Proposed Use: Funeral Home Cemetery

Supplemental Regs: \_\_\_\_\_ Overlay District: NA DRI: NA

Rezoning: Yes \_\_\_\_\_ No X

Existing Zoning: C-1 Proposed Zoning: \_\_\_\_\_ Square Footage/Number of Units: \_\_\_\_\_

Rezoning Request: \_\_\_\_\_

Land Use Plan Amendment: Yes \_\_\_\_\_ No ✓

Existing Land Use: NC Proposed Land Use: \_\_\_\_\_ Consistent \_\_\_\_\_ Inconsistent \_\_\_\_\_

Special Land Use Permit: Yes X No \_\_\_\_\_ Article Number(s) 27- 4.2.22

Special Land Use Request(s) Cemetery's Funeral Home

**Major Modification:**

Existing Case Number(s): \_\_\_\_\_

Condition(s) to be modified:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_