

**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING
MAP FOR ZONING CONDITIONS OF LOT PARCEL NUMBER 18 373 02 002 IN
CONSIDERATION OF SPECIAL LAND USE PERMIT 09-101 (2443 Mount Vernon
Road, Dunwoody, Georgia 30338)**

WHEREAS: Notice to the public regarding said modification to conditions of zoning has been duly published in The Dunwoody Crier, the Official News Organ of the City of Dunwoody, Georgia; and

WHEREAS, the Special Land Use Permit 09-101 is requested pursuant to Section 2C-5(c)(3) of the City of Dunwoody Zoning Ordinance to construct a columbarium and memory garden at All Saints Catholic Church at the address of 2443 Mount Vernon Road, Dunwoody, Georgia 30338; and

WHEREAS: A public hearing was held by the Mayor and City Council on January 25, 2010 during First Read of this Ordinance and a Second Read of this Ordinance, has been set for February 8, 2010.

NOW THEREFORE, The Mayor and City Council of the City of Dunwoody while in Regular Session on February 8, 2010 hereby ordains and approves the Special Land Use Permit 09-101 of this said property in order to construct a columbarium and memory garden with the following conditions:

1. Improve property's stormwater management facilities and/or infrastructure consistent with the scope of the project and pursuant to the Georgia Stormwater Management Manual.

SO ORDAINED AND EFFECTIVE, this 8th day of February, 2010.

Approved by:

Ken Wright, Mayor

Attest:

Approved as to Form and Content

Sharon Lowery, City Clerk

Brian Anderson, City Attorney

SEAL

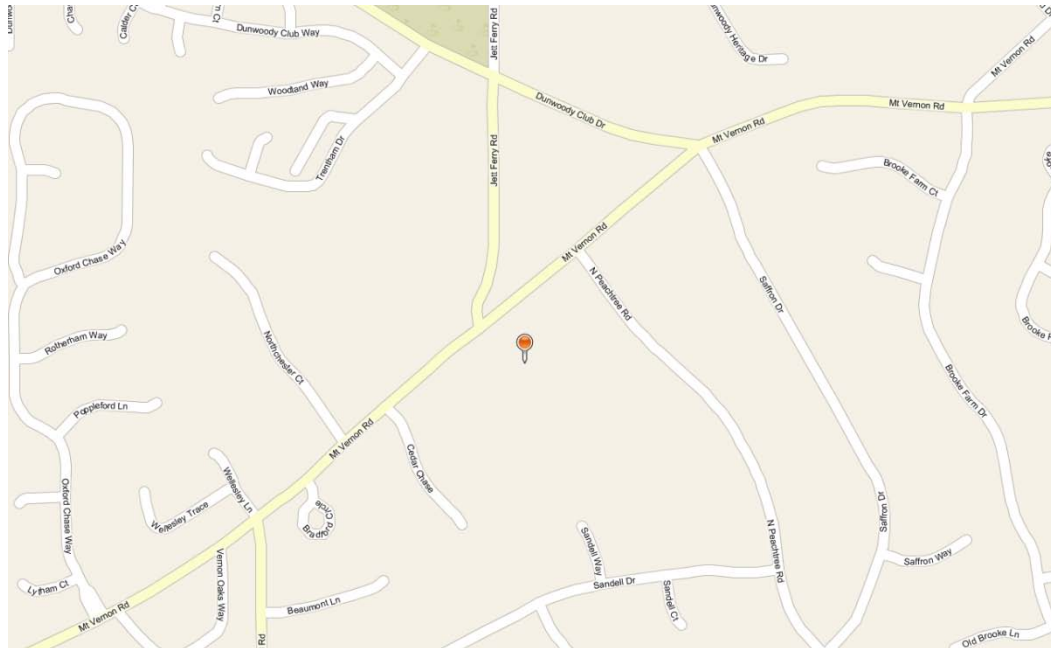
Meeting Date: February 8, 2010

Property Location: 2443 Mount Vernon Road (LL 373)
Dunwoody, Georgia 30338

Owner/Petitioner: The Most Reverend Wilton D. Gregory, SLD
Archbishop of the Roman Catholic Archdiocese of
Atlanta, and/or his successors, % George Barrie

Request: City special land use permit to construct a
columbarium and memory garden

Vicinity Map



The site, All Saints Catholic Church, is located on the south side of Mount Vernon Road, just east of its intersection with Jett Ferry Road. The property is currently zoned R-100 (Single family residence district), and is surrounded to the west, south and east by single family residential uses likewise zoned R-100, and by office and retail & personal service uses to the northwest zoned O-I (Office-Institutional District) and NS (Neighborhood Shopping District), respectively. The applicant’s request is to construct a columbarium and memory garden near the center of the lot, on the south side of the two primary structures on the site. According to §2C-5(c)(3) of the city zoning ordinance, the applicant must secure a special land use permit prior to initiating the use.

Site Plan Analysis

The lot on which the church sits totals 11.02 acres, or 480,031.2 square feet. The limit of disturbance for the project proposed, as well as the area for the new use upon completion, is located adjacent to the south side of the two existing structures, near the center of the lot, and comprises approximately 7,750 square feet. At its closest, the area will be located around 120 feet northeast of the nearest adjacent residential property. The work proposed is indicated to be a series of plazas & stone/masonry patios bordered by masonry walls and connected by pathways and small stairwells, set amongst new landscaping with benches, and a columbarium structure set into the focal wall in the middle of the project.

Conditions of the Zoning Ordinance

The land use criteria enumerated for consideration are found in Chapter 27, Article 2, §2C-5(c)3 of the Zoning Ordinance. They read as follows:

Sec. 2C-5. Special Permits. The following uses and structures shall be authorized only by permits of the type indicated:

(a) Special administrative permit from City Manager or his/her designee:

(1) Home occupation involving no customer contact and no employee other than a person residing on the premises.

(b) Special exception permit from the zoning board of appeals:

(1) Utility structure necessary for the transmission or distribution of service.

(c) Special land use permit from City Council:

(1) Adult day care facility.

(2) Amateur radio service antenna exceeding seventy (70) feet.

(3) Cemetery, columbarium, or mausoleum.

(4) Child day care facility.

(5) Convent or monastery.

(6) Home occupation involving any customer contact.

(7) Home stay bed and breakfast residence.

(8) Neighborhood recreation club.

(9) Place of worship.

(10) Private elementary, middle and high school.

(11) Congregate personal care home if located on a campus of no less than twenty five (25) acres.

Article 2, Section 5D-13 of the City of Dunwoody Zoning Ordinance identifies the following criteria for evaluation that should be examined when determining the appropriateness of a variance:

Sec. 5B-13. Special Land Use Permit; Criteria to be Applied. The following criteria shall be applied by the department of planning, the planning commission, and the City Council 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 City Council 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;
 - *11.02 acres of land*
 - *Within undeveloped space surrounded by parking and drive aisles*
 - *Not located in any required yards or buffers*
- (b) Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;
 - *The columbarium is a usual and customary accessory function and use of a house of worship.*
 - *Houses of worship have been demonstrated to be well-situated in residential zoning districts.*
 - *Neighboring property owners who spoke at the December Planning Commission meeting referenced a pattern of incremental improvements on the church property that today cause a neighborhood nuisance, specifically related to storm water run-off. Staff has examined the property and agrees that the current storm water management facilities for the property are inadequate and propose improvements, detailed below.*
- (c) Adequacy of public services, public facilities, and utilities to serve the use contemplated;
 - *Development of this project is not indicated to change facilities & utilities for the church.*
 - *Staff proposes an update to the storm water facilities on the site; see below.*
- (d) Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;
 - *Development of this project is not expected to alter existing traffic counts or circulation off the property onto public streets, as memorial services already occur on this site.*
- (e) Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;
 - *It is not anticipated that existing adjacent land uses will be adversely affected by the traffic related to this project, as memorial services already occur at the venue. It is not anticipated that the addition of internment facilities will alter the number or type of vehicles present during memorial services.*
- (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;
 - *It is not anticipated that existing conditions will require upgrades, as the use will not increase the intensity of the venue's use to such a degree as to require upgrades.*

- (g) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use;
- *Development will not create any adverse impacts through noise, smoke, odor, dust, or vibration*
- (h) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;
- *Hours of operation of the church will not be affected by the addition of a columbarium*
- (i) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.
- *The operation of the proposed use will not impact adjoining land, as ritual service will be performed on the interior of the property, and parking is available on the premises*
- (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;
- *The proposed plan is allowed in R-100 by special land use permit, so it is consistent with the requirements of the zoning district*
- (k) Whether or not the proposed use is consistent with the policies of the comprehensive plan;
- *The proposed development is consistent with the policies of the comprehensive plan under which the City currently operates.*
- (l) Whether or not the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located;
- *The development will not affect any buffer zones required by its R-100 zoning classification; the project is indicated to be constructed on an interior portion of the lot.*
- (m) Whether or not there is adequate provision of refuse and service areas;
- *The pre-existing venue conceivably provides adequate provisions for refuse and service areas*
- (n) Whether the length of time for which the special land use permit is granted should be limited in duration;
- *The length of time for which the special land use permit is granted should not be limited, as the church it serves is a permanent ministry and internment in permanent as well.*
- (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;
- *Proposed improvements are appropriate in relation to surrounding buildings*
- (p) Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources;
- *The proposed development will not adversely affect any surrounding structures or land, and no historic buildings, structures or resources are known to exist.*

- (q) Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.
 - *The proposed use satisfies conditions outlined in all applicable areas of Chapter 27.*
- (r) Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.
 - *The proposed development is located on the interior of the lot, and they are limited in height, so the proposed height will not create a negative shadow on an adjoining lot or building*

Community Council

At their regular November meeting, the Community Council first heard and discussed this request. Applicant George Barrie and select Dunwoody citizens in attendance commented on the proposal. The Community Council members had a brief discussion related to the project, and the overall sentiment was favorable. A vote was taken and the project was recommended for approval 5-0.

Planning Commission

At their regular December meeting, the Planning Commission held a Public Hearing to discuss and decide a recommendation for the requested SLUP. Carl Travathan, representing the Church, presented the scope of the project to the Planning Commissioners. Concerned citizens spoke on behalf of the request; some parishioners spoke in favor of the request and neighbors to the All Saints Catholic Church spoke of their concerns about storm water management issues and parking & traffic around the high holidays of Christmas and Easter. Ultimately, following a brief question and answer period amongst the Commissioners, Bob Lundsten motioned to approve the request with the following stipulations on the part of the staff and the applicant:

1. Staff create and submit a report on stormwater and run-off impact to the Mayor and City Council
2. All Saints Catholic Church meet with neighbors on Sandell Drive and Cedar Chase to discuss this permit. *That meeting occurred on December 16, 2009. The meeting notes, as taken by Mr. Travathan, are attached to the end of this memo.*
3. Staff provide to Mayor and City Council a report investigating no parking signs being placed on Sandell Drive, Sandell Way and Cedar Chase.

Storm Water Management

City Engineer Rich Edinger and City Planner Howard Koontz visited the site on the morning of December 23, 2009. From our investigation and observations, the site is in need of improvements to its storm water management to compensate for the addition of the Columbarium project. Please see the attached memo from Mr. Edinger.

No Parking Signs

City Planner Howard Koontz and Dunwoody Police Lieutenant Oliver Fladrich met on site with Mr. Lyle Spencer, a resident of Sandell Way, a speaker at the Public Hearing, and an attendee at the December 16, 2009 neighborhood meeting. In conjunction with the Director of Public Works, Mr.

Michael Smith, staff agrees that the only course of action of which the City is authorized to take regarding neighborhood streets parking in the vicinity of All Saints Catholic Church is to add 'No Parking' signs along both sides of Sandell Way near its northern terminus, as an accommodation for the street having no hammerhead nor bulb turn-around for traffic. This should serve to address the problem Mr. Spencer has with ingress and egress from his driveway during periods of high volume parking.

As far as 'No Parking' mandates along the rest of the subject streets, pursuant to Chapter 17 of the City Code, the city has no defensible authority to designate those sections of residential streets 'No Parking Allowed' to preclude parking near the church for a few days out of the year. If the streets become impassable, or parking proved to be a public safety hazard, the Police Department can ticket and/or tow the offending vehicles, but that should be implemented on an as-needed basis when called upon by aggrieved residents.

Recommendation

Staff recommends the application be approved, with special consideration for improvements to storm water management from the church property as it relates to the neighboring properties and streams.

Attachments

- Application
- Letter of justification & intent dated September 23 and received September 30
- Site plan, entitled 'Boundary and Topographic Survey of All Saints Church', received by the Community Development Department 09/30/09
- City Engineer report on storm water
- Applicant notes from Community Meeting held December 16, 2009



Ken Wright – Mayor
Denis Shortal – City Council Post 1
Adrian Bonser – City Council Post 2
Tom Taylor – City Council Post 3
Robert Wittenstein – City Council Post 4
Danny Ross – City Council Post 5
John Heneghan – City Council Post 6

Warren Hutmacher – City Manager
Brian Anderson – City Attorney

MEMORANDUM

TO: Mayor and City Council Members

FROM: Rich Edinger, P.E., City Engineer

DATE: January 25, 2010

RE: All Saints Church Storm Water Management Investigation

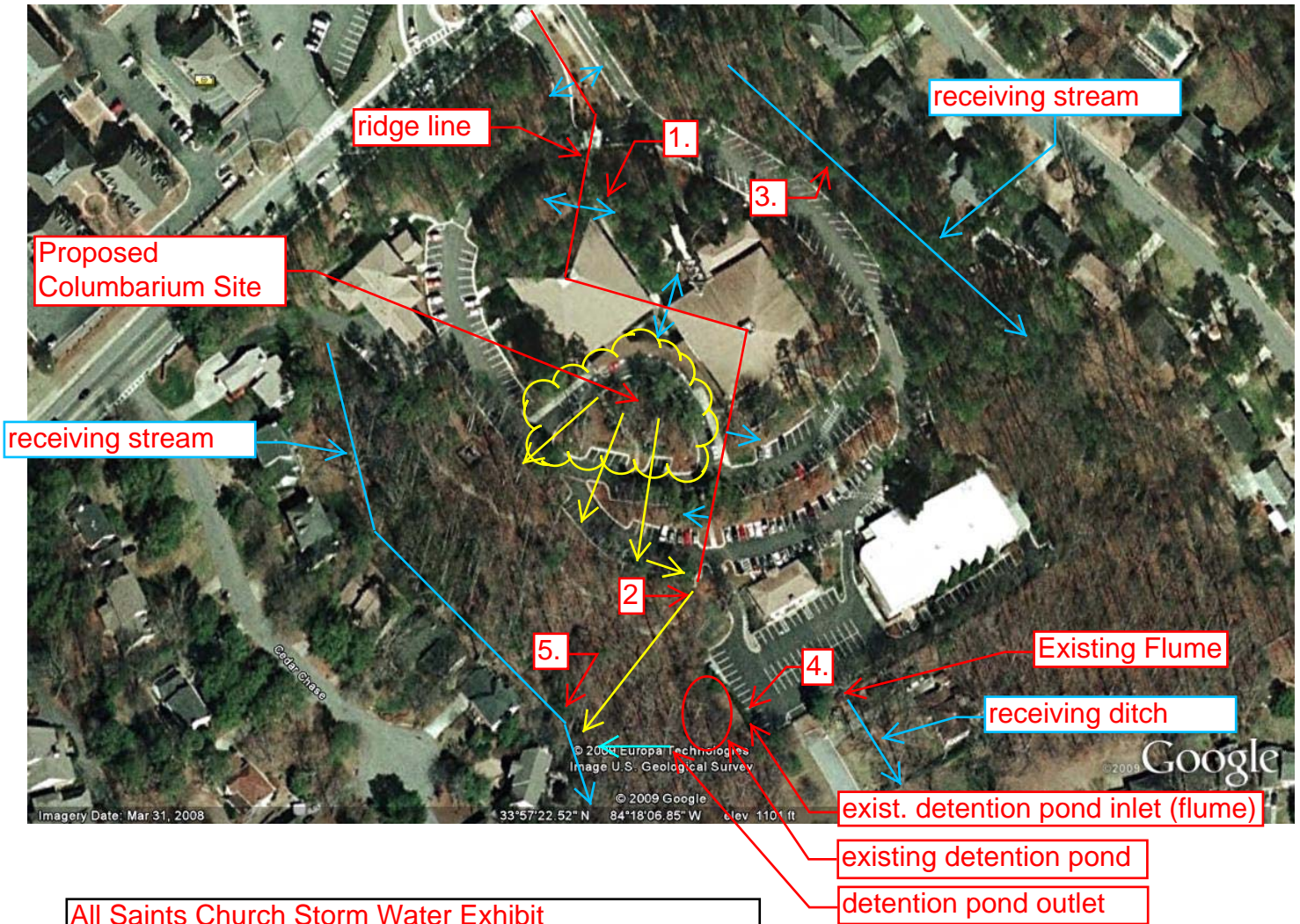
On December 23, 2009, Howard Koontz and I made a visit to the All Saints site to explore the storm water management of the site. The attached aerial photograph may help orient you to the discussion in the rest of this memo.

The site is characterized by a ridgeline running through its middle. Water flows away from this ridge to the left and right sides of the property, where it is intercepted by receiving streams. The proposed columbarium will be constructed in the “left” side drainage basin. Currently, all of its water flows undetained and untreated, through the outdoor chapel, to the left side receiving stream, and then through culverts on Sandell Drive.

There is an existing detention pond on the property which catches much of the runoff from the activity building parking lot. Left in its current state, this detention pond will not receive any runoff from the proposed columbarium site. Accordingly, prior to receiving a land disturbance permit, the applicant must show how they will address both water quality and quantity storm water impacts from the project. The City’s development regulations require this for storm water quantity impacts on sites disturbing greater than 5000 square feet and for all storm water quality impacts regardless of project size.

City of Dunwoody

41 Perimeter Center East Suite 250 – Dunwoody, GA 30346
P: 678-382-6700 - F: 678-382-6701 - www.dunwoodyga.gov



All Saints Church Storm Water Exhibit

1. Water flows away from the ridge line shown, as indicated by the blue flow arrows.
2. water on the left side of the ridge line flows through the parking lot to the existing flume
3. Water to the right of the ridge line flows to the stream to the right of the circular parking area.
4. Water from the activity building parking lot flows to the existing detention pond.
5. Water from the proposed Columbarium will bypass the existing detention pond and flow into the stream on the left side of the property.

All Saints Catholic Church

Dunwoody, GA

Columbarium and Memorial Gardens Project Neighborhood Meeting

December 16, 2009

Neighbors attending:

Gene and Betch Wysocki	5337 Cedar Chase
Lyle and Wendy Spencer	2446 Sandell Way
Joanne Lignugaris	2493 Mt. Vernon Road

Other parishioners who are not neighbors attended the meeting

John Heneghan, a member of the city council (also a parishioner) attended
Another member of the Planning commission (also a parishioner) attended
Pat O'Leary – project architect attended
Carl Trevathan – Catholic Construction Services attended

Out of a total of 64 property owners adjoining the All-Saints property, 3 attended the meeting.

Concerns and questions related to the columbarium project:

- Explanation of the project scope – The columbarium is a memorial garden comprised mostly of low landscape walls which will house 500 units of cremated remains, potentially expanding to 750. However, the expansion would not be beyond the area as demonstrated on the plans. The area will received low level lighting comprised of bollard lighting and possibly some soft landscape lighting. The area will contain less than 5000 sf of paved surface, likely with concrete or stone pavers.
- Security / Potential for Vandalism – There have been no recent incidents of vandalism on the church property. The church has installed a surveillance system which deters vandalism. The columbarium will not be gated but will have low level lighting. If vandalism becomes a problem, a gate can be installed. One neighbor indicated that the security situation at the church is much quieter since the surveillance system has been installed.
- Property Values – There are two other columbariums in Dunwoody. They are nicely landscaped and have no affect on property values. The project architect, Mr. O'Leary designed one that was built in Buckhead that had 1,600 units. There was no impact to property values.

- Portability if the All-Saints property is sold by the Archdiocese – The columbarium is designed so that the units can be relocated to another site if the property is sold. The diocese would want to relocate these units, should this ever occur.
- Traffic control – The existence of the columbarium would not increase traffic flows to the church. The occasional visitor to the columbarium would either already be at the church for other purposes, or would visit during times when traffic is at non-peak. These visits would be sporadic and have no affect on the traffic to or from the property.

When memorial services at the columbarium are held, they would be in conjunction with a funeral at the church. All-Saints would continue to implement their current traffic controls during funerals, and the columbarium service would not bring any additional traffic to the site during a funeral service.

There were discussions about the various exits from the church onto side streets. None of the neighbors wanted gates erected to prevent these egresses from being used.

- Adjacencies – One neighbor expressed uneasiness with human remains being on the church property adjacent to his property. He indicated that the project is too large. The total area of the columbarium is less than 5,000 square feet.
- Motivation – The church believes that columbariums are environmentally friendly as they reduce the amount of land needed for burials. Traditional gravesites are expensive and columbariums provide economic sense for this reason. This project also addresses one of the top 3 issues indicated in a recent survey of the church members that they wanted to be buried on the grounds of a catholic church.

Other concerns and questions not directly related to the columbarium project:

- Off-site parking issues related to church activities – All-Saints will take steps recommended by the city concerning off site parking. Mr. Spencer (Sandell Way) would like “No Parking” signs on his street for the last 50 to 75 feet at the dead end street. Mr. and Mrs. Wysocki (Cedar Chase) does not want “No Parking” signs.
- Storm Water management – All-Saints will comply with the City of Dunwoody water management requirements.

Some parishioners who are not neighbors wanted to discuss issues with the project that were internal to the church’s concerns, such as the cost of the project and funding which will be addressed in the future. These discussions were tabled at this meeting in that this meeting is a forum for neighborhood issues. Placement of the project was discussed on three separate occasions with the leadership of the parish and approved during the past 2 years, in addition the renditions have been in the narthex of the church for three weeks in November 2009 and addressed by the Pastor.