

**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER :**SUP2010-00038**  
ZONING :C-2  
LOCATION :6100 BLOCK OF LAWRENCEVILLE HIGHWAY  
MAP NUMBER :R6139 021  
ACREAGE :2.87 ACRES  
PROPOSED DEVELOPMENT :ACCESSORY CREMATORY  
SQUARE FEET :436 SQUARE FEET (ADDITION)  
COMMISSION DISTRICT :(2) NASUTI

**FUTURE DEVELOPMENT MAP: CORRIDOR MIXED USE**

APPLICANT: ROBERT ADAIR  
4511 GRAYWOOD TRACE  
NORCROSS, GA 30092

CONTACT: ROBERT ADAIR                      PHONE: 678.758.3945

OWNER: BILL HEAD FAMILY PROPERTIES, LLC  
6101 LAWRENCEVILLE HIGHWAY  
TUCKER, GA 30084

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests a Special Use Permit on a 2.87-acre parcel, zoned C-2 (General Business District), to allow a crematory as an accessory use to an existing funeral home. The property is the Bill Head Funeral Home, located on Lawrenceville Highway west of its intersection with Linda Drive.

The applicant proposes a 436 square-foot crematory addition to the existing 10,900-square foot brick building. The addition would be constructed onto the rear of the existing funeral home building. Staff notes that the rear of the property contains a 30-foot wide buffer and a 6-foot high opaque wooden fence along the side and rear as conditioned in the previous rezoning case, RZ-91-049.

**ZONING HISTORY:**

In 1970, the subject property was zoned R-75 (Single Family Residence District). In 1985, an application to rezone the property to C-2 (General Business District) was denied, pursuant to RZ-185-85. The property was rezoned to C-2, pursuant to RZ-91-049, in June, 1991.

**GROUNDWATER RECHARGE AREA:**

The subject property is not located within an identified Significant Groundwater Recharge Area.

**WETLANDS INVENTORY:**

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development

**DEVELOPMENT REVIEW SECTION COMMENTS:**

The developer must submit detailed site development plans, including a landscape & tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

No comment.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the northern right-of-way of Lawrenceville Highway.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located on the property.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and authorization.

2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and authorization of a building permit by Building Plan Review.
3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.
4. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

#### DEPARTMENT ANALYSIS:

The subject property is a 2.87-acre parcel located on the north side of Lawrenceville Highway, east of Jimmy Carter Boulevard. The property is currently developed with a funeral home and associated parking and driveways.

The 2030 Unified Plan Future Development Map indicates that the property is located within a Corridor Mixed Use Character Area. Policies for Corridor Mixed Use Character Areas state that commercial uses should be adequately buffered from neighboring residential uses and should be compatible with neighboring residential uses located outside the corridor. A crematory as an accessory use to a funeral home may not be consistent with these policies and the request may be situated too close to adjacent residential properties for the intensity of the use proposed.

The surrounding area consists primarily of single-family residential, attached townhouse and commercial uses. Adjacent properties on all sides are developed with single-family homes and are zoned R-75 (Single Family Residence District). Although, a recent amendment to the zoning resolution could allow for an accessory crematory as a Special Use in appropriate areas, this particular property is not adequately separated from residential zoning and has minimal buffers. Therefore, the property may not be an appropriate location for an accessory crematory in light of the proximity of single family residential uses.

In conclusion, the proposal to construct an addition for a crematory may not be suitable given the property's proximity to an established single family residential neighborhood which could create negative impacts for these residential neighbors. Therefore the Department recommends **DENIAL** of the request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Note: The following conditions are provided should the Board of Commissioners choose to approve the petition.

Approval of a Special Use Permit for an accessory crematory subject to the following enumerated conditions:

1. Limited to a funeral home, that may include an accessory crematory as a special use. The accessory crematory addition shall not exceed 500 square feet.
2. Abide by all applicable conditions of RZ-91-049.
3. The buffer areas required per conditions 2.A, 2.B & 2.C of RZ-91-049 shall be enhanced with a 10-foot wide row of evergreen plantings to grow to a height of 8-10 feet. Buffer enhancement and plant materials shall be subject to review and approval by the Director of Planning and Development.
4. Abide by all appropriate state and federal rules and regulations required for the crematory. The cremation system shall be a "destruction and capture of emissions" type unit, and shall include opacity controls, Intuitive Logic Control systems and oxygen controls. The cremation system that is installed shall be subject to review and approval of the Building Plan Review Section and the Director of Planning and Development.
5. Peddlers or parking lot sales shall be prohibited.
6. No temporary banners, streamers, or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site. Yard and/or bandit signs shall be prohibited.
7. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

A crematory may not be suitable at this location in light of the proximity to adjacent single family homes.

ADVERSE IMPACTS

Adverse impacts on the adjacent residential neighborhood could be anticipated from the proposed crematory.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

Minimal impacts on traffic, utility demand and stormwater runoff could be expected from this request.

CONFORMITY WITH POLICIES

Policies for Corridor Mixed Use Character Areas state that commercial uses should be adequately buffered from residential uses and should be compatible with neighboring residential properties. An accessory crematory may not be consistent with these policies and the request may be situated too close to adjacent residential properties for the intensity of the use proposed.

CONDITIONS AFFECTING ZONING

If approved, conditions should be placed on the property to reduce potential impacts to residential properties adjacent to the crematory.

**SPECIAL USE PERMIT APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- (A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:  
The Board of Commissioners has determined a crematory is an appropriate & compatible use
- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:  
The addition of the relocated retort / crematory will have no adverse impact on the use or usability of adjacent or nearby property. A positive affect - fewer vehicles will be on the road
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:  
Zoning is not affected by this SUP. Bill Head Funeral Home's crematory is currently remotely located. Combining these two operations to one location enhances the economic use
- (D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:  
The current crematory is located approximately 2 miles away from the funeral home. Bringing these two functions to one site will remove vehicles from the streets
- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
The Board of Commissioners approved Zoning Resolution Amendment ZR2010-002 on 4-27-10 providing appropriate revisions permitting crematories to be an accessory use to funeral homes
- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:  
Again, the Board of Commissioners has found the combination of these two functions to be appropriate and compatible



# ADAIR & ASSOCIATES

ARCHITECTS

June 15, 2010

RE: Letter of Intent - SUP - 6101 Lawrenceville Hwy, Tucker, GA. 30084

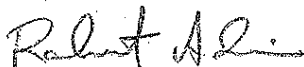
The applicant, Robert Adair of Adair & Associates Architects, submits this Special Use Permit Application for the purpose of requesting a Special Use Permit to allow Bill Head Funeral Home and Crematory, Inc. to construct a 436 SF addition at the rear of their existing 10,900 SF funeral home. The purpose of this addition is to house a relocated retort/cremation unit. The current retort is located approximately 2 miles northeast of the funeral home on Lawrenceville highway. On April 27, 2010 the Gwinnett County Board of Commissioners approved Zoning Resolution Amendment ZR2010-002 in order to provide appropriate revisions to the zoning regulations for funeral homes and crematories. The property is zoned C-2, General Business District, and in accordance with ZR2010-002, within zoning district C-2 crematories may be permitted as an accessory to a funeral home provided the applicant for such a development is granted a Special Use Permit by the Board of Commissioners. Issuance of this Special Use Permit will not require a revision to current zoning.

The property located at 6101 Lawrenceville Hwy., Tucker, Georgia 30084, Land Lot 139, District 6, Parcel 021 is 2.869 acres or 124,973.64 SF. The total building area in gross square feet, including the addition, is 11,336. The density in terms of gross square footage per acre is 3,951.2 SF, or 11.03% of the property. The height of the addition is 14'-8" and is well below the height of the existing one story funeral home building. The number of parking spaces is 125.

Bill Head Funeral Home has been a good neighbor for 18 years. By combining the funeral home and crematory functions at one location vehicles will be taken off the roads. The addition of the retort/crematory at this location will have no negative impact on the surrounding area. If questioned about the current crematory, those business owners and home owners in the adjacent area, would probably express surprise that a crematory has been in operation for nearly two decades.

If you have any questions please call (678) 758-3945. Thank you.

Respectfully,



Robert Adair

Applicant / owner's representative / architect



RECEIVED 6-21-10  
SUP2010-00038



PLANNING BOOK 12

0453

CASE NUMBER RZ-91-049

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

At the regular meeting of the Gwinnett County Board of Commissioners, held in the Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Present

VOTE

Lillian Webb, Chairman	<u>AYE</u>
W. J. Dodd, District 1	<u>AYE</u>
Doug Williamson, District 2	<u>AYE</u>
J. Curtis McGill, District 3	<u>ABSENT</u>
Renee Unterman, District 4	<u>AYE</u>

On motion of COMM. WILLIAMSON, which carried 4-0, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from

R-75 to C-2

by JANICE D. JOHNSON for the proposed use of

FUNERAL HOME (REDUCTION IN BUFFERS) on a

tract of land described by the attached legal description, which

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is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT HOME WEEKLY, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JUNE 25, 1991, and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 25TH day of JUNE, 1991, that the aforesaid application to amend the Official Zoning Map from R-75 to C-2 is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Funeral home or office/institutional uses.
  - B. Limit the height of the building(s) to no more than one story.
2. To satisfy the following site development considerations:
  - A. Provide a 30-foot buffer adjacent to the northerly (rear) property line. The interior ten feet of this buffer may be disturbed and replanted.
  - B. Provide a natural and replanted buffer adjacent to the easterly (side) property line as shown on the site plan dated March 18, 1991.
  - C. Provide a 15-foot undisturbed buffer and planted areas adjacent to residentially-zoned property along the westerly (side) property lines.
  - D. No more than one exit/entrance on U.S. Highway 29; location subject to approval of the Georgia Department of Transportation.

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- E. No billboards are permitted.
  - F. Install a six-foot high, 100 percent opaque wood fence adjacent to the rear property line and along the easterly (side) property line from the rear of the property southward a distance of 225 feet. The exact location of the fence shall be subject to the approval of the Development Director.
  - G. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent residential properties.
  - H. Buildings shall be finished with architectural treatments of glass and/or brick, stone, stucco or other masonry finish; or submit alternate architectural plans for approval of the Planning Commission prior to issuance of a building permit.
  - I. Provide sidewalks within the new dedicated right-of-way of U.S. Highway 29 across the entire property frontage.
3. To abide by the following requirements, dedications and improvements:
- A. Dedicate, at no cost to Gwinnett County or the State of Georgia, 50 feet of right-of-way from the centerline of U.S. Highway 29.
  - B. Improve U.S. Highway 29 along the property frontage from centerline to back of curb as per Department of Transportation requirements.

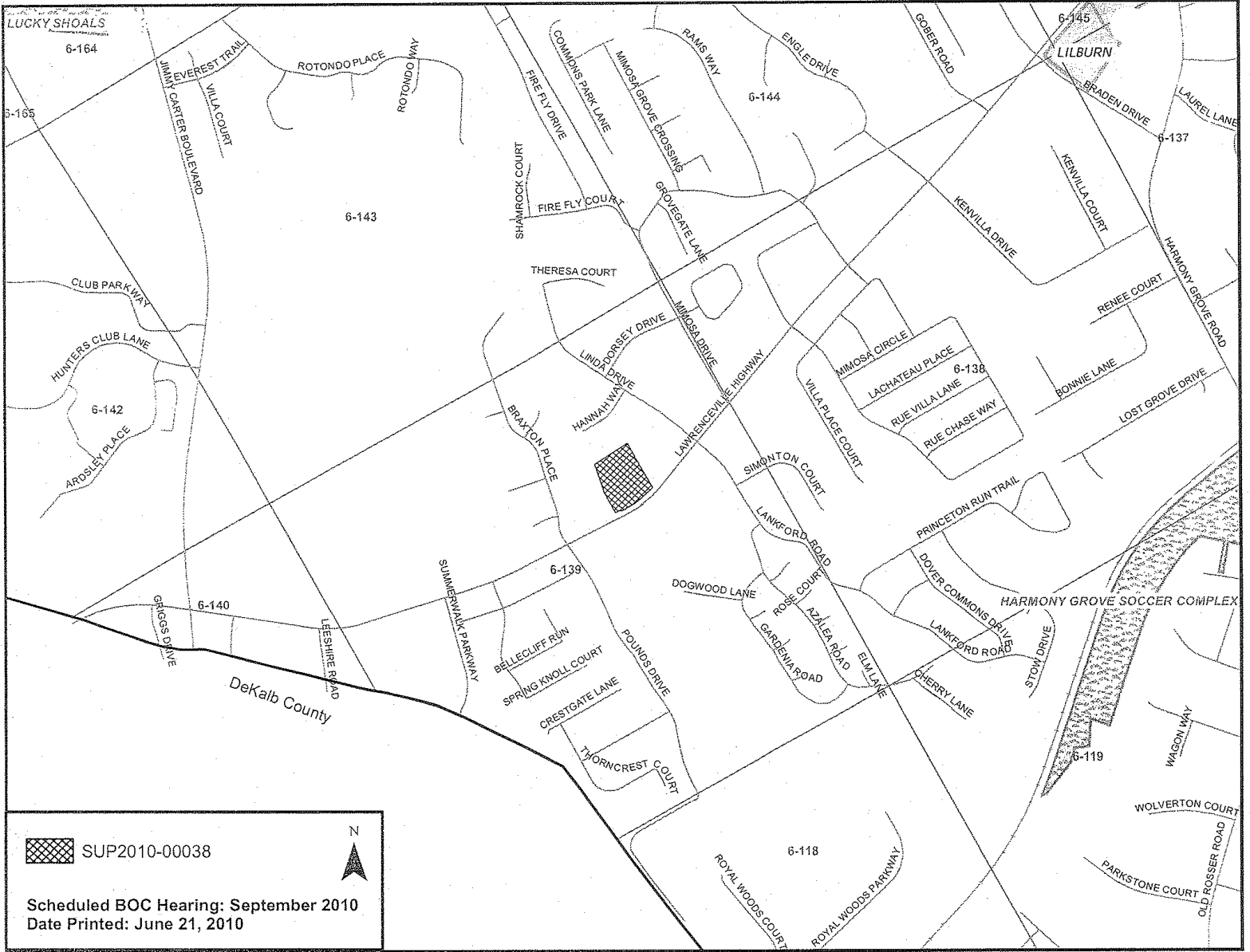
GWINNETT COUNTY BOARD OF COMMISSIONERS


By: Lillian Webb  
Lillian Webb, Chairman

Date Signed: 7-27-91

ATTEST:

Balysa A. Bruce  
Clerk

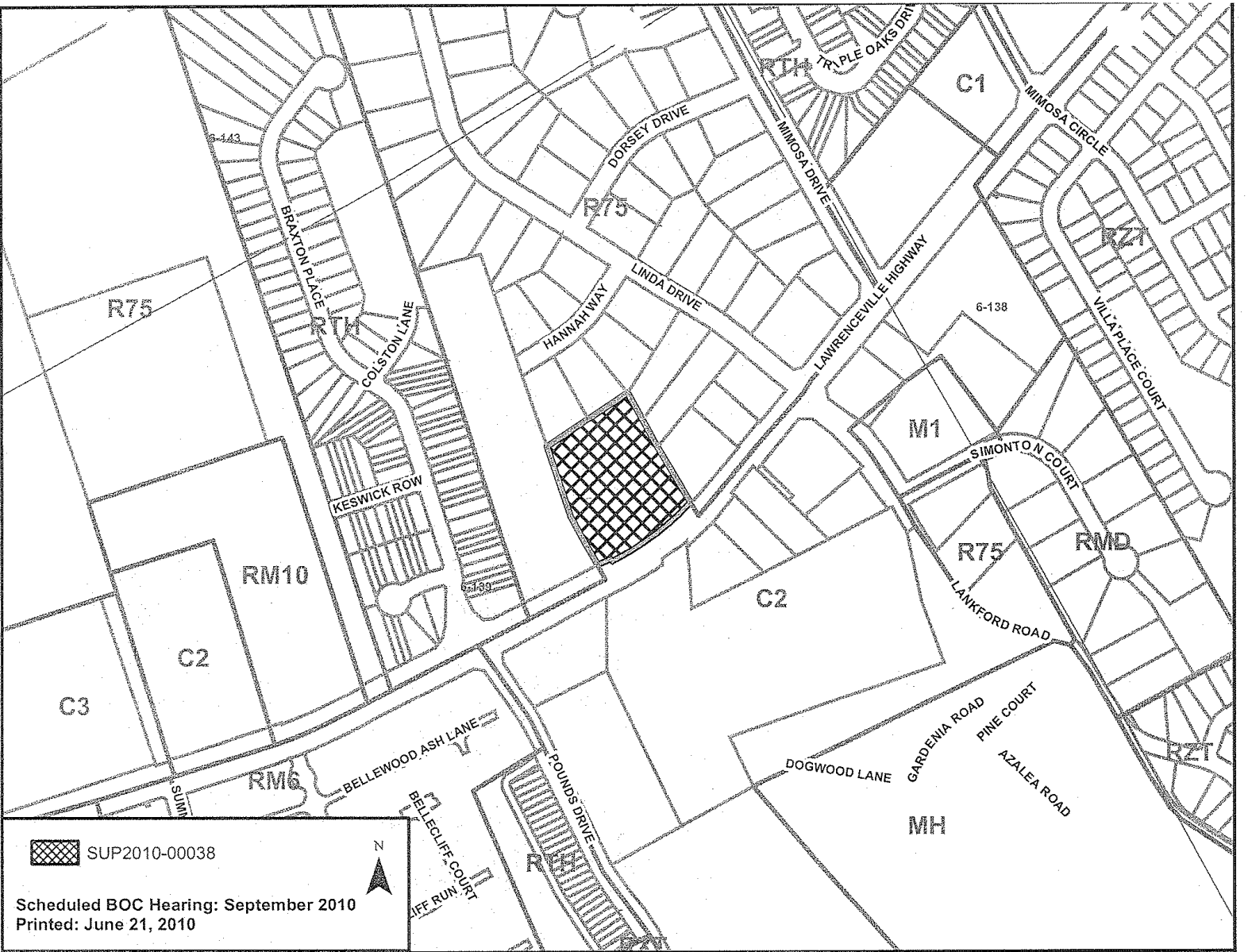



 SUP2010-00038



Scheduled BOC Hearing: September 2010  
 Date Printed: June 21, 2010





 SUP2010-00038

Scheduled BOC Hearing: September 2010  
 Printed: June 21, 2010