



**Land Use Petition:** SLUP-18-004 & SLUP-18-005

**Date of Staff Recommendation Preparation:** October 18, 2018

**Community Council:** September 12, 2018

**Planning Commission:** October 25, 2018

**Mayor and City Council, 1<sup>st</sup> Read:** November 26, 2018

**Mayor and City Council, 2<sup>nd</sup> Read:** December 10, 2018

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<b>PROJECT LOCATION:</b>	6015 Old Stone Mountain Road
<b>DISTRICT/LANDLOT(S):</b>	Land District 18, Land Lot 176 and 173
<b>ACREAGE:</b>	±43 acre
<b>EXISTING ZONING</b>	RE (Residential Estate)
<b>EXISTING LAND USE</b>	Church
<b>FUTURE LAND USE MAP DESIGNATION:</b>	Institutional
<b>OVERLAY DISTRICT:</b>	None
<b>APPLICANT:</b>	The Carmel Mar Thoma Center c/o The Galloway Law Group
<b>OWNER:</b>	Mount Carmel Christian Church
<b>PROPOSED DEVELOPMENT:</b>	Applicant seeks a Special Land Use Permit for a place of worship and a school. The proposal is to use the existing buildings located on the site.
<b>STAFF RECOMMENDATION:</b>	<b>Approval of SLUP-18-004 &amp; SLUP-18-005 with conditions</b>

**PROJECT DATA**

The applicant has submitted a request for two Special Land Use Permits (SLUP-18-004 to allow a church & SLUP-18-005 to allow a school) for the ±43-acre subject property located at 6015 Old Stone Mountain Road. The property is zoned RE (Residential Estate). The applicant is proposing a church and a private school to be located in the existing buildings on the site. Within the RE zoning district a church (Place of Worship) and a private school are allowed with the approval of a Special Land Use Permit (SLUP) and in compliance with the supplemental use regulations of each use.

The existing church (Mount Carmel) is considered a legal non-conforming use pre-dating the City of Tucker zoning ordinance. The applicant also seeks to bring the use into compliance, as well as re-establish a private school in the existing buildings, where an earlier school ceased its operations over 6 (six) months ago. Per Article 8.1.5 Nonconforming use, Section B, "Discontinuance or abandonment. A nonconforming use shall not be re-established after discontinuance or abandonment for six (6) consecutive months...". The applicant is not proposing any alteration of the existing structures or construction of additional buildings.

Per Section 2.3.1 of the City of Tucker Zoning Ordinance, the purpose and intent of the RE (Residential Estate) district is to (1) preserve rural and estate residential character and to provide for very low density rural residential uses; (2) to provide for the protection of neighborhoods within the city where lots have a minimum area of one acre; and (3) to assure that the uses and structures authorized in the RE (Residential Estate) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood. The proposal provides both religious and educational needs of the neighborhood in compliance with the statement of purpose and intent.

The Carmel Mar Thoma site plan depicts the existing church building and school buildings located in the interior of the property, which the applicant proposes to re-use for the new congregation and the new school. The existing school buildings contain forty-four (44) classrooms, a gymnasium, and cafeteria.

Accessory infrastructure includes septic tanks, drainage fields and parking lots (see Figure 1 for approximate locations). Article 6, Parking, requires one parking space for every four seats in the assembly hall. The maximum capacity of the sanctuary (church) is 2,500 people seated in pews, which requires 625 parking spaces. There are 933 parking spaces, including 899 regular parking spaces and 34 handicapped parking spaces, surrounded the existing church building and classrooms. Policy requirements are fully addressed.

**School Bus Entrance / Egress and Queuing**

There are two access points from the property to Old Stone Mountain Road. According to the applicant buses will enter and exit from one or both of these points so as to ensure the safety of the students and to cause the least disturbance to vehicles traveling on Old Stone Mountain Road. No lease has been signed with a school yet, although the Thrive Christian Academy has expressed a strong interest and will most likely be using the school buildings.

Carmel Mar Thoma Center has stated that they will ensure any internal circulation on the site will be conducted in a manner that ensures the safety of the students and church members. There is a parent drop-off circle in the front of the educational building and a bus loading/queuing area to the west of the educational building. The applicant (Carmel Mar Thoma) anticipates any school use will circulate the vehicles (both carpool and buses) on the western side of the building, which is closer to where the school

buildings are located. The closest school building (the gymnasium) to Old Stone Mountain Road is approximately 260 feet from the driveway entrance and there is an additional 1,400 to 1,600 feet of internal drives to the west of the proposed school buildings to provide ample stacking for vehicles.

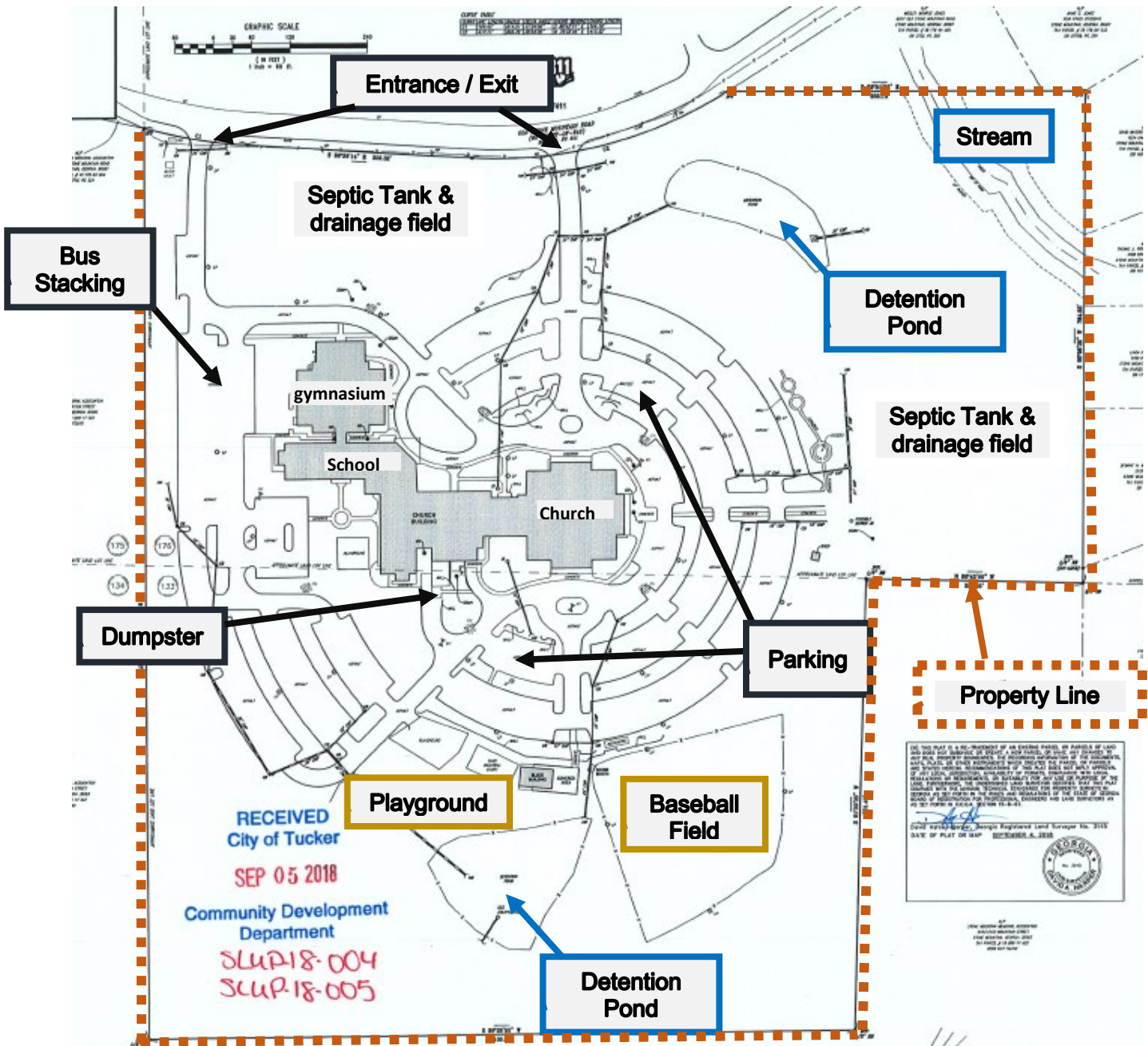


Figure 1: Site Plan, stamped received September 5, 2018

**Location**

The site is located on the south side of Old Stone Mountain Road, between Kings Crossing and Lilburn Stone Mountain Road approximately one mile from the on-ramp to Highway 78 (Stone Mountain Freeway). According to the DeKalb Property Assessor’s office there are 106,093 square feet of structures on the site developed in 1989. The site is developed with a church and associated structures for

educational facilities, including a gymnasium and cafeteria. The site is mostly surrounded by land owned by the Stone Mountain Memorial Association, which is the governing body for Stone Mountain Park. Only 7 residential lots abut the site directly, but it is located along an exclusively residential road.

**School Capacity**

The Thrive Christian Academy has expressed a strong interest in using the school buildings. The Academy is for students from pre-k to 12th grade. The maximum capacity of the school buildings is 550. Thrive Christian Academy, which is currently interested in using the buildings, currently has 200 students and is not expected to exceed 400 in the future. It’s expected that most students will arrive by bus.

**Church Capacity**

The maximum capacity of the sanctuary (church) is 2,500 people seated in pews. Currently the Mar Thoma congregation has approximately 180 families, or approximately 500 people. The applicant notes that the congregation may expand in the future.

**Character Area**

The proposed uses meet the intent of the Institutional Character Area by providing uses that promote institutional activities including both a religious institution and a school.

**COMMUNITY COUNCIL REVIEW**

The Community Council reviewed the proposed application on September 12, 2018. Community Council discussion included concerns from a couple neighbors requesting that DeKalb County inspect the existing septic tanks and detention ponds on the church property. Additional concerns regarding traffic were expressed. Suggestions included improving sidewalk connectivity for those students walking to school. Additional comments included requests that the exterior paint color remain a “neutral” color palette.

**NEARBY/SURROUNDING LAND ANALYSIS**

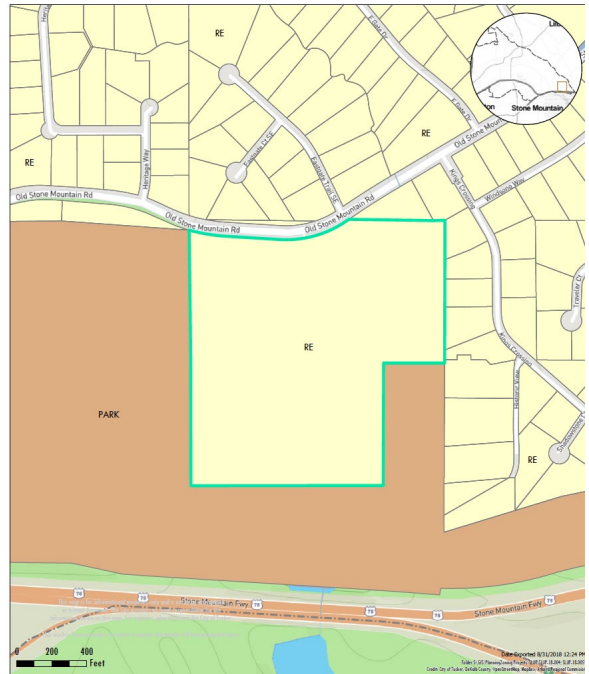
Adjacent & Surrounding Properties	Zoning (Petition Number)	Overlay District	Existing Land Use
Adjacent: North	RE (Residential Estate)	N/A	Single-family homes
Adjacent: East	RE (Residential Estate)	N/A	Single-family homes
Adjacent: West, South, and Southeast	Park	N/A	Stone Mountain Park (196.36 acres)

**PREVIOUS USES**

The previous church, Mount Carmel Christian, was a legally non-conforming church that never went through the SLUP process as the requirement was not in place at the time of its founding. Even if a use is approved through the SLUP process, Section 7.4.12 Transfer of special land use permits states, “a special land use permit expires automatically upon change in ownership of the subject property...”. The

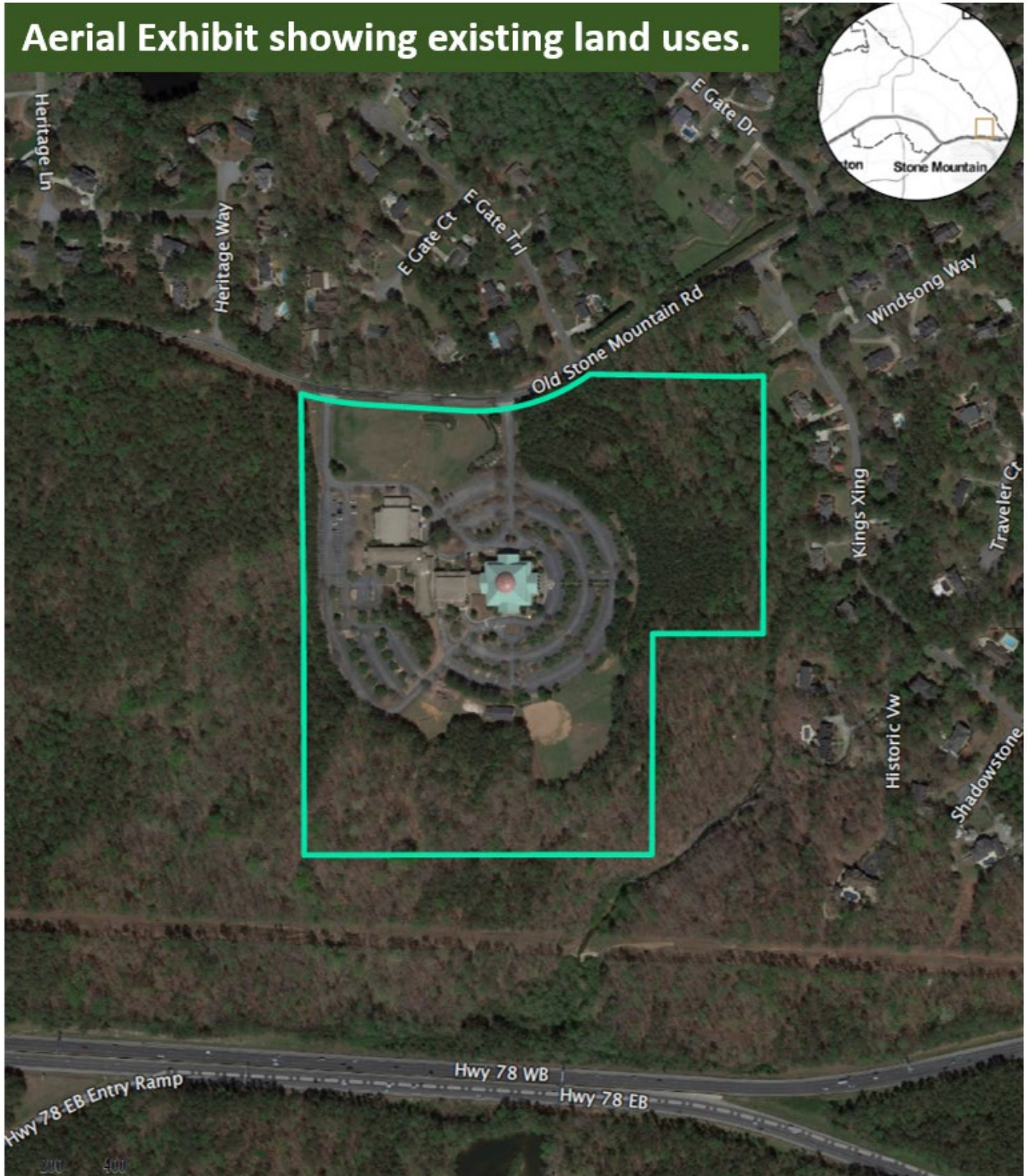
applicant requests approval of a SLUP through the City of Tucker to show good faith and establish the church and school as legal conforming uses. The applicant seeks this request to establish a new church and new school within the same footprint of the previous church and school.

*Zoning Exhibit showing surrounding zoning.*



*Exhibit showing surrounding Character Areas/ Future Land Use map*

# Aerial Exhibit showing existing land uses.



**ZONING OVERVIEW**

The purpose and intent of the RE zoning district is to provide for the protection of neighborhoods within the city where lots have a minimum area of one (1) acre; to provide protections for existing development as new subdivisions are created; and to assure that the uses and structures authorized in the RE (Residential Estate) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood (Sec. 27-2.3.1, Zoning Ordinance).

**SLUP-18-004 (CHURCH in the RE zoning district) &  
SLUP-18-005 (SCHOOL in the RE zoning district)**

**CRITERIA TO BE APPLIED – SPECIAL LAND USE PERMIT**

Criteria (standards and factors) for special land use decisions are provided in Section 7.4.6 of the City of Tucker Zoning Ordinance. Supplemental use regulations are outlined in Article 4, Division 2 of the zoning ordinance. The applicant is required to address these criteria (see application); below are staff's findings for both applications, which are independent of the applicant's responses to these criteria.

- 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.**

The survey for Carmel Mar Thoma, received September 6, 2018, demonstrates that the proposed uses meet all applicable requirements for a church and school. There was both a church and school previously located on this site. The applicant is not proposing any new structures. No variances are being requested.

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

The site abuts wooded park land and 7 residential lots. The rear property lines of the residential lots are located approximately 450' from the edge of the parking lot of the church/school. The proposed uses (church and school) are compatible with the land uses and development of adjacent properties as the Residential Estate zoning district is intended to serve the housing, recreational, educational, religious, and social needs of the neighborhood.

- C. Adequacy of public services, public facilities, and utilities to serve the proposed use.**

**Stormwater management.** The applicant proposes rehabilitating the existing detention ponds which are utilized by both the church and school.

**Water** Approval of SLUP-18-004 and SLUP-18-005 shall be conditional to DeKalb County Watershed Management approval.

**Septic.** The applicant proposes to pump and service the existing septic tanks/drain fields which are utilized by both the church and school. Approval of SLUP-18-004 and SLUP-18-005 shall be conditional to DeKalb County Health Department.

**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.**

According to the trip generation report (Carmel Mar Thoma Center – Immediate Use, shown below), the daily trip generation is 468 total daily trips for the both church and school combined, consisting of 248 daily trips for school students and 220 daily trips for church attendees which means the street has sufficient carrying capacity.

**Carmel Mar Thoma Center - Immediate Use**  
Based upon methodology from ITE's Trip Generation, 10th Edition (2017)

Project Land Use	Project Density	Project Trips		
		Total	Inbound	Outbound
Private School - K-12	200 Students			
	Daily	248	124	124
	AM Peak Hour	78	48	31
	PM Peak Hour	34	15	19

Project Land Use	Project Density	Project Trips		
		Total	Inbound	Outbound
Church	500 Seats			
	Daily	220	110	110
	AM Peak hour	5	3	2
	PM Peak Hour	15	6	9
	Sunday Peak Hour of Generator	392	192	200

Trip Gen Summary	Daily	AM PEAK		PM PEAK	
		IN	OUT	IN	OUT
Carmel Mar Thoma Center	468	51	33	21	28

**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.**

If used in accordance with recommended conditions, the principally residential and park land uses along Old Stone Mountain Road will not be adversely affected by the character of vehicles or the volume of traffic generated by the proposed church and school.

**F. Adequacy of 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.**

There are two existing access points. No additional access points are being proposed. No crosswalks are provided from the neighborhood to the proposed church and school as all the students will arrive by bus or car. If developed in accordance with recommended conditions, the proposed uses can meet this standard.

**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.**

The proposed development of a church and school will not generate excessive noise, nor will it emit smoke, odor, dust or vibration. Therefore, no adverse impacts on adjoining land uses are anticipated.



**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.**

The site is located in a large-lot residential area, located adjacent to a large wooded park. A church and school are both consistent with the surrounding residential zoning as they contribute to and serve the educational, religious, and social needs of the neighborhood.

The proposed uses are consistent with the existing uses and will not create adverse impacts on the other developments by hours of operation.

**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.**

If approved for a church and school and in accordance with recommended conditions, land uses along Old Stone Mountain Road will not be adversely affected by the manner or operation of the development as it will be similar to prior existing uses at this location.

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

The proposed uses (church and school) comply with the Residential Estate zoning district and contribute to serving religious, educational and social needs of the community.

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

The proposed uses of both the church and school meet the intent of the Institutional Character Area by providing uses that promote institutional activities including a religious institution and a school.

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

No transitional buffer zones are required for either the church or school use due to the current zoning of surrounding properties. The developed portion of the property is surrounded by green space.

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

There are adequate provisions of refuse and service areas. The dumpster pad is located at the back side of the building, south of the cafeteria, behind the kitchen.

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

No limits on the length of time on the special land use permit are recommended for SLUP-18-004 and SLUP-18-005, if granted. Currently, the City of Tucker does not limit the length of eligibility of a SLUP.

**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.**

It is staff's opinion that the existing building size, mass, and scale for the combined use of church and school are appropriate in relation to surrounding land uses. The applicant is not proposing to revise the footprint or height of the structures related to the church or the school.

**P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.**

There are no known historic buildings, sites, districts or archaeological resources on the subject property. Therefore, no adverse effects are anticipated.

**Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.**

The following supplemental use regulations are applicable: places of worship, convents, monasteries, temporary religious meeting (Sec. 4.2.42); and private elementary, middle and high schools (Sec. 4.2.43). The proposed uses are in compliance with these requirements for both the proposed church and the proposed school.

**Section 4.2.42 Place of worship, convents; monasteries; temporary religious meetings**

**The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:**

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least fifty (50) feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than twenty (20) feet for a side-yard and no less than thirty (30) feet for a rear-yard.**

The existing church building complies. The buildings are oriented towards the center and western portion of the property, well over the required 50 feet from the residentially zoned property to the east.

- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.**

The existing church building complies.

- C. The parking areas and driveways for any such uses shall be located at least twenty (20) feet from any property line, with a visual screen, provided by a six (6) foot high fence or sufficient vegetation established within that area.**

The closest driveway to an adjacent property line is the western driveway, approximately 70

feet from the park property to the west. A row of trees separates the two areas.

- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three (3) acres and shall have frontage of at least one hundred (100) feet along a public street.**

The property is over 43 acres with approximately 900 feet of frontage on Old Stone Mountain Road. The property is in compliance.

- E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.**

Old Stone Mountain Road is classified as a Minor Arterial and is in compliance with the regulation.

**Section 4.2.42 Private elementary, middle and high school.**

- A. The minimum lot size for private elementary, middle and high school, for which an application for a special land use permit is filed, shall be as follows:**

- 1. Elementary school: Two (2) acres plus one (1) additional acre for each one hundred (100) students based on the designed capacity of the school.**
- 2. Middle school: Three (3) acres plus two (2) acres for each one hundred (100) students based on the designed capacity of the school.**
- 3. High school: Five (5) acres plus two (2) acres for each one hundred (100) students based on the designed capacity of the school.**

The property is over 43 acres and in compliance all the above regulations.

The maximum capacity of the school buildings is 550. A high school with a maximum of 550 students would require 17 acres. The site is 43 acres and is able to accommodate the maximum capacity of 550 students from K-12. Thrive Christian Academy, which is currently interested in using the buildings, currently has 200 students and is not expected to exceed 400 in the future.

- B. The minimum public road frontage for a private school is two hundred (200) feet.**

The property is in compliance with approximately 900 feet of public road frontage on Old Stone Mountain Road.

- C. Accessory ball fields shall be located at least fifty (50) feet from a residential district or property used for a residential purpose.**

The existing baseball field is in the rear of the property located more than 100 feet from the Park zoned property. The baseball field does not abut a single-family residential lot.

- D. A fifty (50) foot undisturbed buffer is required if adjacent to a residential district or property used for a residential purpose.**

The survey shows the existing buildings appear to be in compliance. A condition is proffered to ensure continued compliance.

- R. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.**

The existing buildings associated with the church and educational facility are located towards the center of the property and are not being modified. The buildings for the church and school

will not create a negative shadow impact on any adjoining lot as a result of the existing structures.

**S. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.**

The proposed uses of church and school would not result in a proliferation of those or similar uses in the subject character area for either the church or school.

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

The proposed uses meet the intent of the Institutional Character Area by providing uses that promote institutional activities, including a church and school.

**CONCLUSION**

If used according to staff's recommended conditions of approval, the proposed special land use permits, SLUP-18-004 for a church and SLUP-18-005 for a school, are consistent with the standards for special land use permit approval. **Staff supports the request for both Special Land Use Permits.**

## STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of **SLUP-18-004 for a church and SLUP-18-005 for a school** with the following conditions.

1. Use of the subject property shall be limited to a church and school.
2. Queuing of buses shall be located in the northwest parking lot area to the west of the school building.
3. A 50-foot undisturbed buffer shall be required along the east property line where it abuts single-family detached homes.
4. A refuse area shall be provided for the school portion of the property. The refuse area shall be located behind the building and shall be screened from view with fencing.
5. Crosswalks shall be painted along the entry to both driveways and on the west portion of the building where the buses queue.
6. Owner/Developer shall ensure all internal sidewalks are ADA compliant and provide pedestrian connectivity between the parking lots and the buildings. Interior sidewalks and crosswalks shall be added throughout the site to allow safe access to the church and school.
7. Owner/Developer shall comply with Section 14-39 of the City of Tucker Code of Ordinances concerning tree protection and replacement. A minimum tree density of thirty (30) units/acre shall be required.
8. DeKalb County Health Department approval for the septic tank is required prior to the issuance of a Certificate of Occupancy.
9. Watershed Management approval is required (water only) prior to the issuance of a Certificate of Occupancy.
10. The existing detention ponds and outlet structure shall be cleaned and cleared of any debris prior to the issuance of a Certificate of Occupancy.
11. The existing septic tanks shall be pumped and serviced prior to the issuance of a Certificate of Occupancy.
12. There can be no detectable septic leakage above legal limits or run-off into Stone Mountain Lake.

**DEPARTMENT COMMENTS**

**ARBORIST**

Site must meet approval of the city of Tucker tree ordinance.

**DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT**

Not required.

If approved, applicant must submit review to DeKalb County Health Department for Septic Tank.

**DEKALB COUNTY FIRE MARSHAL OFFICE**

No comments.

**DEKALB COUNTY SCHOOL SYSTEM**

No comments.

**LAND DEVELOPMENT**

No comments.