

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO MODIFY CONDITION(S) OF A RESOLUTION BY THE FULTON
COUNTY BOARD OF COMMISSIONERS APPROVING PETITION Z93-030 ON
AUGUST 4, 2003, PROPERTY LOCATED AT 201 MT. VERNON HIGHWAY**

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on February 17, 2009 at 6:00 p.m. as follows:

SECTION 1. That the condition(s) of a Resolution by the Fulton County Board of Commissioners, approved on June 7, 2000 for petition Z93-30, consisting of a total of approximately 122.22 acres, and modified by the Fulton County zoning case ZM00-0021, be modified to wit;

ALL THAT TRACT or parcel of land lying and being Land Lot 89, 123 and 124, of the 17th District, Fulton County, Georgia by the attached legal description; and

SECTION 2. That the variance(s), as listed in the attached conditions of approval, be approved under the provisions of Section 22.9 of the Zoning Ordinance of the City of Sandy Springs; and

SECTION 3. That the property shall be developed in compliance with the conditions of approval, as attached to this ordinance. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations; and

SECTION 4. That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and

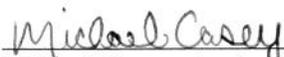
SECTION 5. This Ordinance shall become effective upon adoption by the Mayor and City Council and the signature of approval of the Mayor.

ORDAINED this the 17th day of February, 2009.

Approved:


Eva Galambos, Mayor

Attest:


Michael Casey, Acting City Clerk

(Seal)



CONDITIONS OF APPROVAL

ZM08-016/CV08-034

201 Mt. Vernon Highway

The City of Sandy Springs Mayor and City Council approved the rezoning of property owned by S.C.I. Georgia Funeral Services Inc., DBA Arlington Memorial Park at 201 Mt. Vernon Highway Zoning modification petition ZM08-016/CV08-034 was approved by the Mayor and City Council at the February 17, 2009 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property to the following:
 - a. A Cemetery and Mausoleums, and accessory structures (U93-011).
 - b. Administrative offices and sales offices incidental to the use described in condition 1.a., for a total gross square footage, including existing structures, not to exceed 7,500 square feet.
 - c. Funeral establishments shall be prohibited.
 - d. The manufacturing of vaults shall be prohibited. Storage of vaults shall be allowed.
2. To the owner's agreement to abide by the following:
 - a. To the Site Plan received by the Zoning Department on ~~May 31, 2000~~ February 3, 2009 and to submit to the Director of Public Works for approval, prior to the approval of a Land Disturbance Permit, a revised Site Plan based on a certified boundary survey of the entire property zoned, incorporating the stipulations of these conditions of zoning approval and meeting or exceeding the requirements of the Zoning Resolution. (ZM08-016)
3. To the owner's agreement to the following site development considerations:
 - a. No vehicle traffic shall come within 25 feet of residential property, except along existing paved roadways permitted within the said setback pursuant to this petition.
 - b. Replant to buffer standards the area between the existing Oak Hill Drive and the north property line. Arlington Memorial Park will replace 17 pines next to the fence line behind 460 Riverhill Drive with 23 holly. Species of holly to be determined by the ~~Fulton County~~ City of Sandy Springs Arborist. Plantings shall be completed by ~~March 31, 2001~~ prior to issuance of a Land Disturbance Permit (LDP).
 - c. Replant to buffer standards the area between the existing drive and the property line (by the Masonic, Cross, and Monument sections).

- d. Provide a 50-foot setback for all buildings and above ground burial structures of every kind, excluding those existing, as shown on the site plan referenced in condition 2.a. except for headstones and identification monuments in Area 2 and the area adjacent to Area 2 identified on the site plan referenced in condition 2.a. (V93-049)
- e. No more than the two existing exits/entrances on Mt. Vernon Highway. Curb cut location and alignment are subject to the approval of the ~~Fulton County~~ City of Sandy Springs Traffic Engineer.
- f. No access shall be allowed from Long Island Drive where it adjoins the northern property line.
- g. Replace the existing fence with a new fence along Mount Vernon Highway and angled back on the west side of the main entrance as it currently exists on the property as referenced on the maps showing the surveyed fence location submitted to the Department of ~~Environment and~~ Community Development on May 22, 2000. The fence must be located a minimum of 10.5 feet from the back of curb. The new fence shall be composed of black metal. It shall be 6 feet in height, consisting of 3 rail, 2-inch post and 8-foot panels. The fence shall be installed by September 1, 2000.
- h. Provide a setback for graves along Mount Vernon Highway in Area #1 from the right-of way line to the fence line on the east side of the main entrance as shown on the revised site plan submitted to the Department of ~~Environment and~~ Community Development on ~~May 31, 2000~~ February 3, 2009. (2000VC-0062 NFC-Part 1). On the west side of the main entrance, the setback shall be 60 feet and no graves shall be allowed at the 60- foot setback line and within the area up to the fence as shown on the site plan.
- i. Provide a 10-foot side yard setback for graves in Area #2 as shown on the revised site plan submitted to the Department of ~~Environment and~~ Community Development on ~~May 31, 2000~~ February 3, 2009. (2000VC-0062 NFC-Part 2)
- j. Provide a 5-foot side yard setback for graves in Area #3 as shown on the revised site plan submitted to the Department of ~~Environment and~~ Community Development on ~~May 31, 2000~~, February 3, 2009. (2000VC-0062 NFC-Part 3)
- k. Provide a 5-foot rear yard setback for graves in Area #3 as shown on the revised site plan submitted to the Department of ~~Environment and~~ Community Development on ~~May 31, 2000~~, February 3, 2009. (2000VC-0062 NFC-Part 4)
- l. Provide a 20-foot side yard setback for graves in Area #4 for a distance of 313 feet as shown on the revised site plan submitted to the Department of ~~Environment and~~ Community Development on ~~May 31, 2000~~, February 3, 2009. (2000VC-0062 NFC-Part 5)

- m. Provide a landscape strip along Mount Vernon Highway in Area 1 in varying widths from the fence line to the property line on the east side of the main entrance as shown on the revised site plan submitted to the Department of ~~Environment and~~ Community Development on ~~May 31, 2000~~ February 3, 2009. In areas where the fence line and property line overlap, a landscape strip shall be planted 3 feet into the right-of-way subject to approval from the Department of Public Works. ~~Fulton County~~ The City of Sandy Springs will not be responsible for maintaining the landscaping. Should the County need to provide maintenance that eliminates the landscaping, the ~~County~~ City of Sandy Springs will not be responsible for restoring the landscaping. The area on the west side of the main entrance shall remain an undisturbed buffer between the angled fence and the property line. Landscape strip shall be completed by March 31, 2001. (2000VC-0062 NFC-Part 6)
- n. The landscape plan for Area 1 shall be submitted to the Department of ~~Environment and~~ Community Development for review by the ~~Fulton County~~ City of Sandy Springs no later than August 1, 2000. Planning Staff shall convene a meeting with the ~~Fulton County~~ City of Sandy Springs Arborist, the applicant and representatives of the community to review the landscape plan within 30 days after approval from the ~~Fulton County~~ City of Sandy Springs Arborist.
- o. The applicant shall provide a performance bond to ~~Fulton County~~ The City of Sandy Springs at the time the landscape plan for Area 1 is approved. An appropriate indemnification agreement should be drafted to satisfy the County Attorney.
- p. Provide a landscape strip planted to buffer standards in the following widths shown. Said plantings and specifications shall be subject to the approval of the ~~Fulton County~~ City of Sandy Springs Arborist. (2000VC-0062 NFC-Part 7)
- Area #2- Ten feet
Area #3- Five feet (along property line labeled for a distance of 340 ft)
Area #4-Twenty feet (along property line labeled for a distance of 313 feet)
- q. Provide a 5-foot landscape strip planted to buffer standards in Area #3 along property line labeled for a distance of 635 feet. (2000VC-0062 NFC-Part 8)
- r. Reduce setbacks to extent necessary to allow existing driveways, paths, buildings and structures to remain.
- s. Demarcate existing and future grave sites along all interior property lines, interior to any required landscape strip, buffer, improvement setback or tree save area whichever applies as follows. The replacement fence will serve as demarcation in Area 1 for existing and future graves along Mount Vernon Highway. Areas 2, 3 and 4 as identified on the site plan shall be demarcated with 6" x 6" flush markers every 50 feet that are painted and readily identifiable. In undeveloped areas, a 4-foot high above ground metal fence post shall be installed every 50 feet with the top of post

- painted and readily identifiable subject to the approval of the Director of ~~Environment and~~ Community Development.
- t. The tree save area as identified on the site plan received by the Department of ~~Environment and~~ Community Development on ~~May 31, 2000~~ February 3, 2009 shall be demarcated with 6x6 flush markers on all corners that are painted and readily identifiable subject to the approval of the Director of ~~Environment and~~ Community Development.
 - u. All demarcation shall be in place no later than ~~September 1, 2000~~ March 1, 2009.
 - v. Demarcation plan subject to the approval of the Director of ~~Environment and~~ Community Development must be posted within public view no later than ~~September 1, 2000~~ March 1, 2009 in the Arlington Park sales office and shall be maintained there at all times.
 - w. Provide a 35-foot side yard setback for a distance of 213 feet for graves in Area #4 starting beyond the 313 feet referenced in condition t. as shown on the revised site plan submitted to the Department of ~~Environment and~~ Community Development on ~~May 31, 2000~~ February 3, 2009.
 - x. Provide a tree save area as shown on Exhibit 1 submitted to the Department of Environment and Community Development on May 31, 2000, subject to the approval of the ~~Fulton County~~ City of Sandy Springs Arborist. A separate map of the tree save area shall be posted within public view no later than September 1, 2000 in the Arlington Park sales office and shall be maintained there at all times.
 - y. Plant one (1) row of 6 plants to be approved by the ~~Fulton County~~ City of Sandy Springs Arborist behind 430 Riverhill Drive beginning at the edge of the residents' south property line and running north for a distance of 50 feet. Plantings shall be completed by ~~March 31, 2001~~ prior to issuance of a Land Disturbance Permit (LDP).
 - z. Arlington Cemetery shall maintain the required planted buffers and landscape strips as conditioned pursuant to zoning modification 2000ZM-0021 NFC and concurrent variances 2000VC-0062 NFC, Parts 1-8.
 - aa. To allow the applicant an exemption from the requirements of the Urban Overlay District Streetscape standards for planting strip, sidewalks, street trees and lighting due to the existence of graves along the majority of the property line along Mt. Vernon Highway. (CV08-028).
 - bb. Reserve an area extending 130' from the centerline of Mt. Vernon Highway from the vehicular entrance southwest to the property line adjacent to 211 Mt. Vernon Highway as future right of way. The reserved area may not include any permanent structures or burial plots. The subject area shall be reserved for a period of 10 years.

- cc. No above ground monuments will be placed within the 50-foot building setback.
 - dd. Prior to each major phase of expansion, construction fencing shall be installed along all clearing limits and inspected by the City of Sandy Springs prior to clearing. Said fencing shall be subject to the approval of the City of Sandy Springs Arborist.
 - ee. Planting of trees in compliance with the City of Sandy Springs shall be made in buffer areas along the property lines, as practically as possible, to enhance the existing vegetative buffer. Said tree planting plan shall be subject to the approval of the City of Sandy Springs Arborist.
 - ff. Proposed mausoleums shall not exceed 35 feet in height and shall not be located closer than 65 feet to any property line.
 - gg. Any security lighting on mausoleums shall have a controlled footprint and be screened from adjacent residential areas.
 - hh. The relocated maintenance building shall not exceed 35 feet in height, shall not be located closer than 70 feet to the closest property line and be painted a dark or neutral color to limit its visibility from surrounding residential areas.
 - ii. Construction shall not commence on the mausoleums identified as mausoleums A,B and C on the site plan dated January 30, 2009 prior to the date specified for each:
 - A. 15 years from the date of approval of this application.
 - B. 20 years from the date of approval of this application.
 - C. 25 years from the date of approval of this application.
 - jj. Proposed mausoleums located along the eastern property line adjacent to properties fronting Bonnie Lane shall be set back 115 feet. Said mausoleums shall be located consistent with the existing grade of the land in this area.
4. To the owner's agreement to abide by the following requirements, dedications, and improvements:
- a. Dedicate at no cost to ~~Fulton County~~ the City of Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide at no cost to ~~Fulton County~~ the City of Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved.
 - b. Improve Mount Vernon Highway along the entire property frontage with curb and gutter per ~~Fulton County~~ City of Sandy Springs standards.
 - c. Provide a deceleration lane for each project entrance or as may be approved by the ~~Fulton~~

~~County~~ City of Sandy Springs Engineer.

5. To the owner's agreement to abide by the following:
 - a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit, to arrange with the County Arborist an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries.
 - b. To maintain as a minimum, the tree density requirements as prescribed by the ~~Fulton~~ ~~County~~ City of Sandy Springs Tree Preservation Ordinance Administrative Guidelines, either through the retention of existing trees, or tree replacement in perpetuity.
 - c. Analyze the downstream effect from stormwater management structures and the development, hydrologic-hydraulic engineering studies shall extend downstream to a point where development represents less than 10% of the total watershed at this point.
 - d. Evaluate the downstream ditch stability and bank erosion protection potential of existing downstream conveyance system. Provide all necessary documentation to the Department of Public Works at construction drawing phase.
 - e. Provide downstream analysis of the flood discharge timing effect on the existing conveyance systems due to each storm frequency.
 - f. All natural streams within the limit of project must be stable and be expected to remain stable under ultimate development or provide appropriate erosion protection for the streams subject to the approval of the Department of Public Works.
 - g. The design discharge at the outlet of drainage system shall not result in velocities that equal/exceed the erosive velocity or the existing velocity of the receiving channel/draw, unless dissipation and erosion protection measures are placed at the outlet. Provide Public Works with documentation.
 - h. Detention must be provided subject to the approval of Public Works.
 - i. To contact the Drainage Basin Engineer prior to any application for a Land Disturbance Permit, subsequent to this petition, to arrange an on-site visit evaluation as to the location, stormwater discharge path of detention pond and other downstream constraints.
 - j. Lots should generally be graded in such a manner that the surface runoff does not affect downstream lots or flow through lots shall be collected and conveyed in appropriate storm drainage system. (Provide documentation at the construction drawing phase and subject to the approval of Public Works.
 - k. Conditions c, d, e, f, and g are subject to the approval of the Drainage Engineer.

ARLINGTON MEMORIAL PARK

Legal Description.

All that tract or parcel of land lying and being in Land Lots 89, 123, and 124 of the 17th District, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a 3/4 inch crimped-top pipe on the east line of land lot 124 located on a bearing of South 0°29'04" West, a distance of 859 feet from the northeast corner of Land Lot 124 and being the POINT OF BEGINNING; thence South 00°25'42" West, a distance of 41.05 feet along said land lot line to a 3/4 inch crimped-top pipe; thence South 66°48'08" East, a distance of 811.63 feet to a 3/4 inch crimped-top pipe; thence South 73°50'24" West, a distance of 245.19 feet to a 1/2 inch rebar; thence South 07°30'04" East, a distance of 148.39 feet to a 1/2 inch rebar; thence South 69°13'33" West, a distance of 478.48 feet to a 1/2 inch rebar; thence South 17°10'55" West, a distance of 176.10 feet to a 1/2 inch rebar on the northern right-of-way of Mount Vernon Highway; thence along the northern, northwestern and northern right-of-way of Mount Vernon Highway the following 9 courses and distances; South 67°06'52" West, a distance of 303.86 feet to a point; along the arc of a curve to the left an arc distance of 471.66 feet to a 1/2 inch rebar, (said arc being subtended by a chord bearing of South 54°26'52" West, having a chord distance of 467.83, and a radius of 1066.74 feet); South 41°46' 52" West, a distance of 199.71 feet to a 1/2 inch rebar; along the arc of a curve to the left an arc distance of 132.00 feet to a 1/2 inch rebar (said arc being subtended by a chord bearing South 40°28'21" West, having a chord distance of 131.99 feet, and a radius of 2889.79 feet); thence South 39°09'50" West a distance of 324.57 feet a 1/2 inch rebar; along the arc of a curve to the right an arc distance of 358.18 feet to a 1/2 inch rebar (said arc being subtended by a chord bearing of South 52°05'43" West, having a chord distance of 355.15, and a radius of 793.51 feet); South 65°01'36" West, a distance of 151.10 feet to a 1/2 inch rebar; along the arc of a curve to the right an arc distance of 143.12 feet to a 1/2 inch rebar (said arc having a chord bearing of South 66°28'14" West, a chord distance of 143.10 feet and a radius of 2839.79 feet); South 67°54'51" West a distance of 413.06 feet to a 1/2 inch rebar; thence leaving said right-of-way North 13°46'41" West, a distance of 210.66 feet to a 1/2 inch rebar located on the south line of Land Lot 124; thence North 89°51'17" West, a distance of 1024.88 feet along said land lot line, to a Nail in a Rock located at the common corner of Land Lots 123, 124, 133 and 132; thence North 00°09'05" East, a distance of 1497.53 feet along the west line of Land Lot 124 to a 1/2 inch rebar ; thence South 89°40'30" East, a distance of 1173.05 feet a 1/2 inch open-top pipe; thence North 00°08'59" East, a distance of 1473.81 feet to a 5/8 inch crimped-top pipe located on the north line of Land lot 124; thence South 89°08'40" East, a distance of 833.15 feet along said land lot line to a 1/2 inch rebar; thence South 00°16'37" East, a distance of 1859.08 feet to a 3/4 inch open-top pipe; thence North 73°55'43" East, a distance of 339.81 feet to a 1/2 inch rebar; thence North 27°17'42" East, a distance of 902.83 feet to a 5/8 inch open-top pipe; thence North 70°52'55" East, a distance of 314.19 feet to a 3/4 inch crimped-top pipe located on the east line of Land Lot 124 and the POINT OF BEGINNING, said tract containing 122.2215 Acres, more or less as shown on Title Exception Survey prepared for Arlington Memorial Park, Clark & Green Architecture & Design, & Service Corporation International (SCI) of Arlington Memorial Park prepared by Prime Engineering Incorporated and bearing the seal of Byron D. Henning, Georgia RLS No. 1909, dated July 29, 2008.

RECEIVED
OCT 09 2008
City of Clark County
Community Development

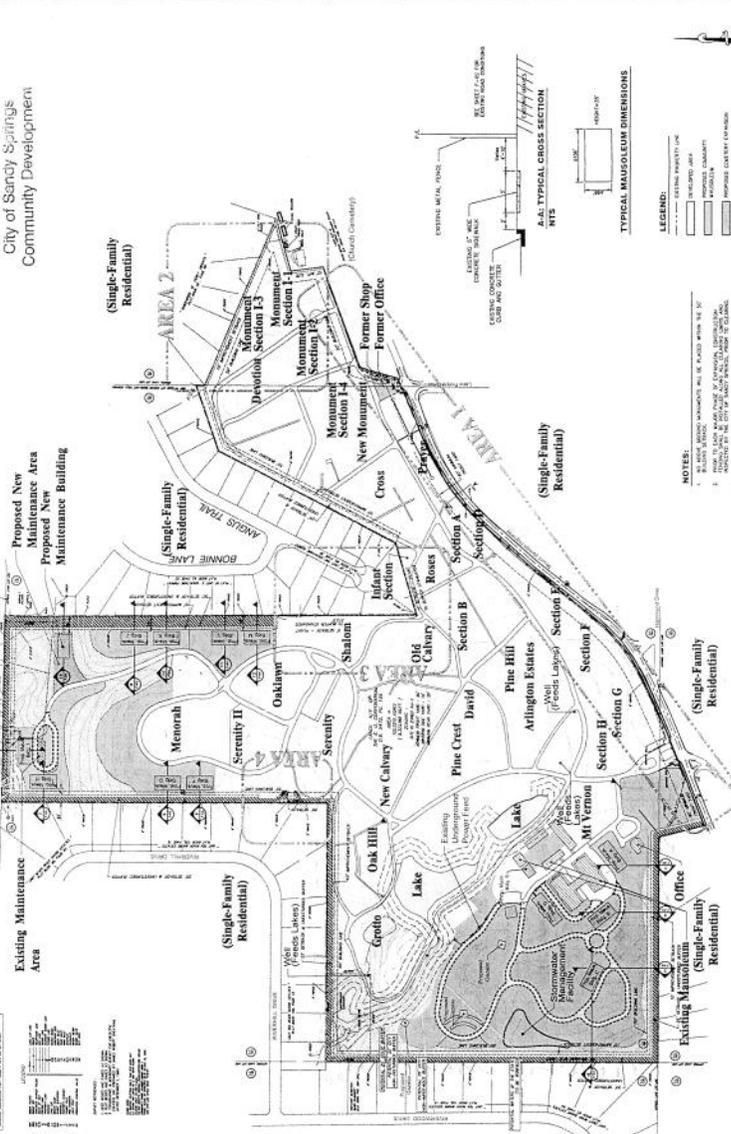
ZM08 016

ZONING EXHIBIT

| | |
|---------------|--------------------|
| PROJECT TITLE | ARLINGTON MEMORIAL |
| DATE | 11-10-07 |
| SCALE | AS SHOWN |
| PROJECT NO. | 07-001 |
| DATE | 11-10-07 |
| SCALE | AS SHOWN |
| PROJECT NO. | 07-001 |

RECEIVED

City of Sandy Springs
 Community Development



- NOTES:**
1. EXISTING PROPERTY BOUNDARIES ARE SHOWN WITH A DOTTED LINE.
 2. PROPOSED BOUNDARIES ARE SHOWN WITH A SOLID LINE.
 3. PROPOSED MONUMENT AREAS ARE SHOWN WITH A HATCHED PATTERN.
 4. PROPOSED MONUMENT AREAS ARE TO BE CONFORMED TO THE CITY OF SANDY SPRINGS MONUMENT SPECIFICATIONS.
 5. PROPOSED MONUMENT AREAS ARE TO BE CONFORMED TO THE CITY OF SANDY SPRINGS MONUMENT SPECIFICATIONS.
 6. PROPOSED MONUMENT AREAS ARE TO BE CONFORMED TO THE CITY OF SANDY SPRINGS MONUMENT SPECIFICATIONS.

| NO. | DESCRIPTION | DATE |
|-----|-------------|----------|
| 1 | REVISION | 11-10-07 |
| 2 | REVISION | 11-10-07 |
| 3 | REVISION | 11-10-07 |
| 4 | REVISION | 11-10-07 |
| 5 | REVISION | 11-10-07 |
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