ORDINANCE NO. 2012-02-06
PETITION NO. ZM11-005/CV11-007

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO MODIFY CONDITION(S) OF RESOLUTIONS BY THE FULTON COUNTY BOARD OF COMMISSIONERS AND BY THE CITY OF SANDY SPRINGS MAYOR AND CITY COUNCIL APPROVING PETITIONS Z93-030 AND ZM08-016/CV08-034 ON AUGUST 4, 1993 AND FEBRUARY 17, 2009, PROPERTY LOCATED AT 201 MOUNT VERNON HIGHWAY

BE IT ORDAINED by the City Council for the City of Sandy Springs, Georgia while in regular session on February 21, 2012 at 6:00 p.m. as follows:

SECTION 1. That the condition(s) of a resolutions by the Fulton County Board of Commissioners and by the City of Sandy Springs Mayor and City Council, approved on August 4, 1993 and February 17, 2009, for petitions Z93-030 and ZM08-016/CV08-034 that allowed the property to be conditionally rezoned to the AG-1 (Agricultural District) be changed for the property located at 201 Mount Vernon Highway, consisting of a total of approximately 122.22 acres, to wit;

ALL THAT TRACT or parcel of land lying and being Land Lots 89, 123, & 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 That all ordinances or part of ordinances in conflict with the terms of this ordinance are hereby repealed; and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.

APPROVED AND ADOPTED this the 21st day of February, 2012.

Approved:

Eva Galambos

Eva Galambos, Mayor

Attest:

Michael Casey

Michael Casey, City Clerk

(Seal)

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 89 and 124 of the 17th District, City of Sandy Springs, Fulton County, Georgia, and being more particularly described as follows:

BEGIN at the corner common to Land Lots 123, 124, 132, and 133; THENCE run along the Land Lot line common to Land Lots 124 and 132 North 00 degrees 09 minutes 05 seconds East a distance of 1,497.53 feet to a point; THENCE leaving said common Land Lot line run South 89 degrees 40 minutes 30 seconds East a distance of 1,173.05 feet; THENCE run North 00 degrees 08 minutes 59 seconds East a distance of 1,473.81 feet to a point on the Land Lot line common to Land Lots 124 and 125; THENCE run along said common Land Lot line South 89 degrees 08 minutes 40 seconds East a distance of 833.15 feet to a point; THENCE leaving said common Land Lot line run South 00 degrees 16 minutes 37 seconds East a distance of 1,859.08 feet; THENCE run North 73 degrees 55 minutes 43 seconds East a distance of 339.81 feet; THENCE run North 27 degrees 17 minutes 42 seconds East a distance of 902.83 feet to a point; THENCE run North 70 degrees 52 minutes 55 seconds East a distance of 314.19 feet to a point on the Land Lot line common to Land Lots 89 and 124; THENCE along said common Land Lot line run South 00 degrees 25 minutes 42 seconds West a distance of 41.05 feet to a point; THENCE leaving said common Land Lot line run South 66 degrees 48 minutes 08 seconds East a distance of 811.63 feet to a point; THENCE run South 73 degrees 50 minutes 24 seconds West a distance of 245.19 feet; THENCE run South 07 degrees 30 minutes 04 seconds East a distance of 148.39 feet to a point; THENCE run South 69 degrees 13 minutes 33 seconds West a distance of 478.48 feet; THENCE run South 17 degrees 10 minutes 55 seconds West a distance of 176.10 feet to a point; THENCE run South 67 degrees 06 minutes 52 seconds West a distance of 303.86 feet to a point; THENCE run along an arc of a curve to the left a distance of 471.66 feet, said curve having a radius of 1,066.74 feet and being subtended by a chord bearing South 54 degrees 26 minutes 52 seconds West, a distance of 467.83 feet to a point; THENCE run South 41 degrees 46 minutes 52 seconds West a distance of 199.71 feet to a point; THENCE run along an arc of a curve to the left a distance of 132.00 feet, said curve having a radius of 2,889.79 feet and being subtended by a chord bearing South 40 degrees 28 minutes 21 seconds West a distance of 131.99 feet to a point; THENCE run South 39 degrees 09 minutes 50 seconds West a distance of 324.57 feet to a point; THENCE run along the arc of a curve to the right a distance of 358.18 feet, said curve having a radius of 793.51 feet and being subtended by a chord bearing South 52 degrees 05 minutes 43 seconds West a distance of 355.15 feet to a point; THENCE run South 65 degrees 01 minutes 36 seconds West a distance of 151.10 feet to a point; THENCE run along the arc of a curve to the right, said curve having a radius of 2,839.79 feet and being subtended by a chord bearing South 66 degrees 28 minutes 14 seconds West a distance of 143.10 feet to a point; THENCE run South 67 degrees 54 minutes 51 seconds West a distance of 413.06 feet to a point; THENCE run North 13 degrees 46 minutes 41 seconds West a distance of 210.66 feet to a point; THENCE run North 89 degrees 51 minutes 17 seconds West a distance of 1,024.88 feet to a point, said point being the POINT OF BEGINNING.

ZM11-005
CV11-007

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CONDITIONS OF APPROVAL

ZM11-005/CV11-007
201 Mount Vernon Highway

The City of Sandy Springs Mayor and City Council approved the modification of the conditions of Z93-030 and ZM08-016/CV08-034, with regard to the above referenced property currently zoned AG-1 (Agricultural District). Zoning modification petition ZM11-005/CV11-007 was approved by the Mayor and City Council at the February 21, 2012 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 of Community Development on ~~February 3, 2009~~ December 6, 2011 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)

    b. Any Land Development Permit related to this Zoning Modification application (ZM11-005/CV11-007) shall include providing detention, compliant with current standards, for the drainage basin containing the proposed development, considering the basin to be fully developed as represented on the Zoning Modification site plan received by the Department of Community Development on December 6, 2011. Any proposed additional development beyond that currently approved by ZM08-016/CV08-034 and the Phase 1 Improvements as defined in condition 5.m., resulting from approval of this Zoning Modification, shall be contingent upon the owner accepting ownership of the pond and holding the City of Sandy Springs harmless for the pond, its operation, and its maintenance by executing an Indemnification Agreement. Operation and maintenance of detention shall be the responsibility of the property owner.

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 City of Sandy Springs Arborist. Plantings shall be completed 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 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 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 Community Development on 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 Community Development on 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 Community Development on 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 Community Development on 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 Community Development on 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 Community Development on 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. 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 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 Community Development for review by the City of Sandy Springs no later than August 1, 2000. Planning Staff shall convene a meeting with the City of Sandy Springs Arborist, the applicant and representatives of the community to review the landscape plan within 30 days after approval from the City of Sandy Springs Arborist.

o. The applicant shall provide a performance bond to 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 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 Community Development.

t. The tree save area as identified on the site plan received by the Department of Community Development on 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 Community Development.

u. All demarcation shall be in place no later than March 1, 2009.

v. Demarcation plan subject to the approval of the Director of Community Development must be posted within public view no later than 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 Community Development on 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 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 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 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.

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.

kk. Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to the extent necessary to allow for existing and proposed improvements in accordance with the site plan and letter of intent received by the Department of Community Development on December 6, 2012 (CV11-007).

ll. All the required natural, undisturbed buffers shall be replanted where sparsely vegetated, subject to the approval of the Sandy Springs Arborist.

mm. In the area immediately adjacent to the detention pond, the owner shall re-vegetate the buffers along the property line and will plant trees around the perimeter of the pond where land clearing activities are required to construct the pond. Areas excluded from the aforementioned re-vegetation include the dam embankment, spillway, area within the detention pond, and area around the pond needed for maintenance vehicles and access.

4. To the owner's agreement to abide by the following requirements, dedications, and improvements:

    a. Dedicate at no cost to 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 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 City of Sandy Springs standards.

    c. Provide a deceleration lane for each project entrance or as may be approved by the 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 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.

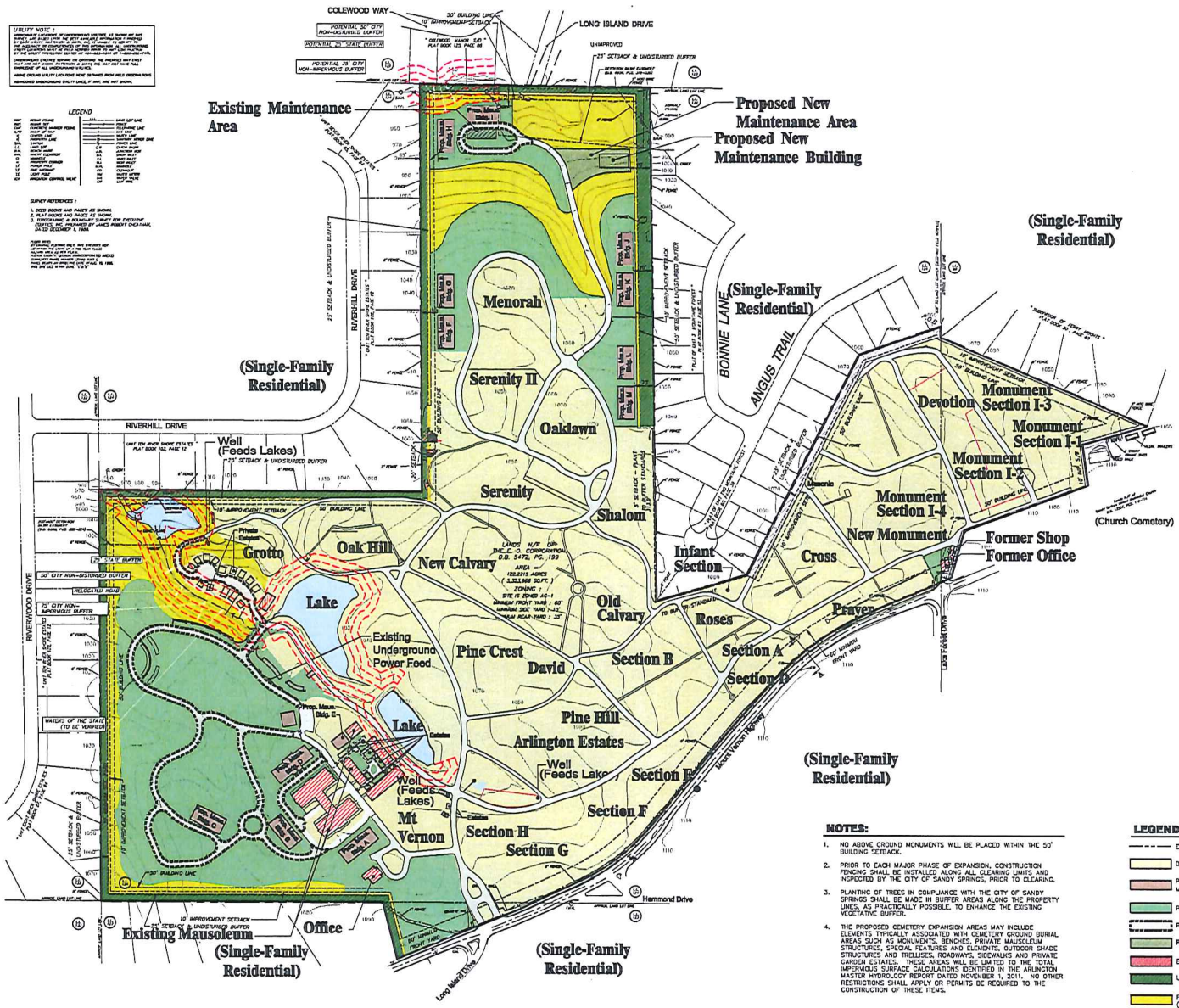
l. At such time as work begins on the Phase 1 Improvements, as defined below in condition 5.m., dirt generated by cemetery operations will be placed in the stockpile areas identified as the "Phase 1 Improvements" on the Grading & Drainage Detention Pond Plans received by the Department of Community Development on February 10, 2012 which will contain erosion protection that is compliant with all Federal, State, and Local laws and regulations.

m. Owner's obligation to begin implementation of the improvements detailed in the November 1, 2011 Master Hydrology Report by Prime Engineering and identified as the "Phase 1 Improvements" on the plans attached hereto "Grading & Drainage Detention Pond" numbered C-201.1 and C-201.2 and received by the Department of Community Development on February 10,2012 (the "Phase 1 Improvements") are conditioned on the issuance of all permits and approvals from any relevant agency needed for such implementation. These include, without limitation, issuance of any variances and permits from federal agencies including the Army Corps of Engineers, any state agencies including the Environmental Protection Division and the Georgia Soil and Water Conservation Commission, Fulton County agencies and the City of Sandy Springs (collectively, the "Agencies"). The City agrees that it will be the named party and applicant requesting approval from the Agencies, such request to be

based on Phase 1 Improvement Plans to be provided to the City by the Owner. The Owner's responsibilities shall include and be limited to preparation of the Phase 1 drainage, grading and erosion and sedimentation control plans for the Phase 1 Improvements and payment of application fees and permit fees specific to those plans and the Phase 1 Improvements. The Owner will cooperate promptly and as necessary with any requests specific to those plans made of the City by the Agencies and will pay any fees required in that process. Owner shall begin implementation of the Phase 1 Improvements within 90 days after issuance of all necessary approvals for the Phase 1 Improvements. Owner's obligation to implement the Phase 1 Improvements is further conditioned on receipt of a construction easement from Fulton County to allow implementation of the Phase 1 Improvements. Upon completion and final approval by the Agencies of the Phase 1 Improvements, the Owner shall execute the Indemnification and Maintenance Agreement for Detention Ponds with the City of Sandy Springs and accept a quitclaim deed from Fulton County releasing the County's interest and responsibility to the Owner for maintenance of the County Detention Basin identified as Basin #1 in the master hydrology report and drainage plans.

n. No mausoleums or structures exceeding three feet from finish grade shall be within the 75 foot stream buffer as shown on the site plan received by the Department of Community Development on December 6, 2012.

o. The owner/applicant shall restore the 25 foot stream buffer areas that are currently disturbed and are disturbed as a result from any proposed additional development that is a part of this application (ZM11-005/CV11-007). The aforementioned stream buffer areas shall be restored and maintained to riparian standards as regulated.



NOTES:

1. NO ABOVE GROUND MONUMENTS WILL BE PLACED WITHIN THE 50' BUILDING SETBACK.
2. 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.
3. PLANTING OF TREES IN COMPLIANCE WITH THE CITY OF SANDY SPRINGS SHALL BE MADE IN BUFFER AREAS ALONG THE PROPERTY LINES, AS PRACTICALLY POSSIBLE, TO ENHANCE THE EXISTING VEGETATIVE BUFFER.
4. THE PROPOSED CEMETERY EXPANSION AREAS MAY INCLUDE ELEMENTS TYPICALLY ASSOCIATED WITH CEMETERY GROUND BURIAL AREAS SUCH AS MONUMENTS, BENCHES, PRIVATE MAUSOLEUM STRUCTURES, SPECIAL FEATURES AND ELEMENTS, OUTDOOR SHADE STRUCTURES AND TRELLISES, ROADWAYS, SIDEWALKS AND PRIVATE GARDEN ESTATES. THESE AREAS WILL BE LIMITED TO THE TOTAL IMPERVIOUS SURFACE CALCULATIONS IDENTIFIED IN THE ARLINGTON MASTER HYDROLOGY REPORT DATED NOVEMBER 1, 2011. NO OTHER RESTRICTIONS SHALL APPLY OR PERMITS BE REQUIRED TO THE CONSTRUCTION OF THESE ITEMS.

LEGEND:

- EXISTING PROPERTY LINE
- DEVELOPED AREA
- PROPOSED COMMUNITY MAUSOLEUM
- PROPOSED CEMETERY EXPANSION
- PROPOSED NEW ROAD
- PROPOSED MAINTENANCE AREA
- EXISTING BUILDINGS
- UNDISTURBED BUFFER AREA
- PROPOSED UNDEVELOPED LAND (NO CEMETERY DEVELOPMENT)

GRAPHIC SCALE
(IN FEET)
1 inch = 150' ft.

RECEIVED
DEC 06 2011
City of Sandy Springs
Community Development

ZM11-005
CV11-007

PRIME ENGINEERING

PROJECT: ARLINGTON MEMORIAL CEMETERY SITE EXPANSION
SANDY SPRINGS, GA
PREPARED FOR: SCI MANAGEMENT CORPORATION

SEAL

DRAWING TITLE: OVERALL SITE PLAN

DRAWING DATE	11/2/11
DRAWING SCALE	1"=150'
PROJECT NUMBER	1142-0023
DRAWING NUMBER	F-01
DRAWN BY	CEB
DESIGNED BY	DJC
CHECKED BY	RRM