



SANDY SPRINGS

GEORGIA

P&Z STAFF REPORT

Planning Commission Meeting, June 17, 2020

Case: **U20-0001 – 201 & 0 Mount Vernon Highway (Parcel # 17 0123 LL1187) & 0 Mount Vernon Highway NE (Parcel # 17 0089 LL0116)**
Staff Contact: Alexandra Horst (AHorst@SandySpringsga.gov)
Report Date: June 5, 2020

REQUEST

Request for a Conditional Use Permit to modify previous conditions from ZM11-005/CV11-007.

APPLICANT

Property Owner: Executive Equities Inc., d/b/a Arlington Memorial Park (contact: Chad Eubanks)	Petitioner: Executive Equities Inc., d/b/a Arlington Memorial Park (contact: Chad Eubanks)	Representative: Carl Westmoreland and Henry A. Bailey, Jr.
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SUMMARY

The applicant requests a Conditional Use Permit to modify previous conditions from Zoning Modification ZM11-005/Concurrent Variance CV11-007. They wish to revise the previously approved site plan, remove seven (7) previously proposed and approved mausoleums, remove the timeframe restriction on mausoleum construction, and proceed with construction of one (1) previously proposed and approved mausoleum (Building A).

NOTE (March 18, 2020)

On March 17, 2020, Mayor and City Council approved a 60-day Emergency Ordinance Declaring Local Emergency Of The Novel Coronavirus Disease 2019 Global Pandemic. U20-0001 was originally scheduled to be heard by the Planning Commission on April 22, 2020, but public hearings were postponed due to the pandemic.

RECOMMENDATION

Department of Community Development

Staff recommends **Approval with Conditions** of **Conditional Use Permit** U20-0001.

MATERIALS SUBMITTED AND REVIEWED

Materials:

1. Application, received February 4, 6, 24, and 27, 2020
2. Proposed conditions, received February 6, 2020
3. “*Arlington Memorial Park – City of Sandy Springs, Georgia Site Traffic Memorandum*,” prepared by Kimley-Horn and Associates, Inc., signed by Ana Eisenman, P.E., dated February 10, 2020, received February 11, 2020
4. “*Photographs*,” prepared by Prime Engineering, Inc., dated May 8, 2020, received May 15, 2020
5. “*Mountaire Springs Affected Neighbor Concerns/Questions*,” received May 15, 2020

Plans:

1. “*Overall Site Plan – Original 2011 Zoning Modification Approval*,” prepared by Prime Engineering, Inc., dated November 29, 2011, received January 7, 2020
2. “*Adjacent Properties Map*,” prepared by Clark & Green Associates, dated February 3, 2020, received February 4, 2020
3. “*Elevations*,” prepared by Adams and Day Architects, AIA, dated November 1, 2019, received February 18, 2020
4. “*Title Exception Survey*,” prepared by Prime Engineering, Inc., signed and sealed by Michael J. Barger, R.L.S., dated July 29, 2008, received March 30, 2020
5. “*Overall Site Plan*,” prepared by Clark & Green Associates, signed and sealed by Kalyn Lewis Keeney, P.E., dated February 3, 2020, received April 29, 2020
6. “*Aerial Photo of Site with Boundary and Buffers*,” prepared by Prime Engineering, Inc., and Clark & Green Associates, received May 15, 2020
7. “*Perimeter Tree Buffer Enhancement Plan*,” prepared by Prime Engineering, Inc., and Clark & Green Associates, received May 15, 2020

PROPERTY INFORMATION	
Location:	201 Mount Vernon Highway (Parcel # 17 0124 LL0154), 0 Mount Vernon Highway (Parcel # 17 0123 LL1187), & 0 Mount Vernon Highway NE (Parcel # 17 0089 LL0116)
Council District:	3 – Chris Burnett
Road frontage:	Approximately 2,531 feet of frontage on Mount Vernon Highway
Acreage:	Approximately 122.2 acres total
Current Zoning:	CON (Conservation) (201 Mount Vernon Highway & 0 Mount Vernon Highway NE) & RD-27 (Residential Detached, 27,000 square foot minimum lot size) (0 Mount Vernon Highway)
Existing Land Use:	Arlington Memorial Park Cemetery/Mausoleums
Previous Zoning Cases:	Zoning Modification ZM11-005/Concurrent Variance CV11-007 was a modification of the conditions of the previously conditionally approved ZM08-016/CV08-034 and Rezoning Z93-030/Use Permit U93-011/Concurrent Variance V93-049, which was approved with conditions. ZM00-021/Concurrent Variance VC00-062 was also a modification of the conditions of Z93-030 and was approved with conditions. Variance V18-042 was approved with a condition to allow for a ten-foot (10') tall privacy fence. In addition, the City approved Text Amendment TA19-0003, which provides use standards for cemeteries and mausoleums.
Character Area:	Conservation Areas/Parks (201 Mount Vernon Highway & 0 Mount Vernon Highway NE) & Protected Neighborhood (0 Mount Vernon Highway)

PROCESS			
Initial Community Meeting (CMI): January 30, 2020	Second Community Meeting (CMII): March 2, 2020	Planning Commission Hearing: June 17, 2020 (originally scheduled for April 22, 2020)	Mayor and City Council Hearing: July 21, 2020 (originally scheduled for May 19, 2020)

EXISTING AND PROPOSED DEVELOPMENT

Arlington Memorial Park Cemetery/Mausoleum is existing. According to the Arlington website, the first burial there was in 1922.

The three (3) subject parcels which make up Arlington Memorial Park were previously zoned AG-1 (Agricultural District) under the City's old Zoning Ordinance. When the entire City was rezoned in 2017, 201 Mount Vernon Highway & 0 Mount Vernon Highway NE were designated CON (Conservation), and 0 Mount Vernon Highway was designated RD-27 (Residential Detached, 27,000 square foot minimum lot size). In the original Sandy Springs Development Code, adopted in 2017, Cemetery/Mausoleum required a Conditional Use Permit in RD- and was not permitted at all in CON. This was revised in the City's Text Amendment TA19-0003, approved on January 21, 2020, such that Cemetery/Mausoleum requires a Conditional Use Permit in CON as well, and there are enhanced use standards.

The applicant requests a Conditional Use Permit to modify previous conditions from Zoning Modification ZM11-005/Concurrent Variance CV11-007. They wish to revise the previously approved site plan, remove seven (7) previously proposed and approved mausoleums (Buildings B, D, E, F, G, L, and M), remove the timeframe restriction on mausoleum construction of Buildings A, B, and C, and proceed with construction of one (1) previously proposed and approved mausoleum (Building A). Of the total site, the proposed lot coverage is approximately 12%, the landscaping approximately 67%, and undisturbed area approximately 19% of the site.

The following images show the existing conditions of the three (3) subject parcels that make up Arlington Memorial Park.



View of the entrance to Arlington Memorial Park off of Mount Vernon Highway



View of an existing mausoleum building



View of existing cemetery development



View of existing cemetery development and a house beyond



View of existing cemetery property and a pond and houses beyond



View of an existing mausoleum building and cemetery development



View of an existing monument and graves



View of an existing monument



View of the existing maintenance building and fence



View of the existing fence by the maintenance area

The following image shows the existing conditions of Long Island Drive NE, to the north of Arlington, and the view facing south toward Arlington.



View of a house on Long Island Drive NE and the existing fence by the Arlington maintenance area beyond

(All photographs by Alexandra Horst, March 16, 2020)

As the request is to modify previous conditions from Zoning Modification ZM11-005/Concurrent Variance CV11-007, Staff recommends that previous conditions that remain relevant be carried over and revised as necessary.

EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	Zoning / Land use	Address(es)	Land area (acres) (approximate)
Northwest / North / Northeast	RD-18 / Single unit detached residence	6324 Long Island Drive	0.44
Northwest / North / Northeast / East / Southeast	RD-18 / Single unit detached residence	125 Bonnie Land	0.41
North / Northeast / East / Southeast / West	RD-18 / Single unit detached residence	100 Angus Trail	0.41
Northeast / East / Southeast	RD-9 / Single unit detached residence	6216 Ferry Drive	0.62
Northeast / East / Southeast / South	RE-2 / Place of worship, Cemetery/Mausoleum	86 Mount Vernon Highway NW	5.77
Northeast / East / Southeast / South / Southwest	OX-5 / Office	6100 Lake Forrest Drive	6.35
Southeast / South / Southwest	RT-3 / Single unit attached residences	5996 Mitchell Road	5.36
South / Southwest	RD-12 / Single unit detached residence	5880 Long Grove Drive	0.34
South / Southwest / West	RD-27 / Single unit detached residence	221 Mount Vernon Highway NW	0.95
South / Southwest / West	RE-2 / Single unit detached residence	251 Mount Vernon Highway	2.00
Southwest / West / Northwest	RD-18 / Single unit detached residence	5870 Riverwood Drive NW	0.69
Southwest / West / Northwest / North / Northeast	RD-18 / Single unit detached residence	480 Riverhill Drive NW	0.61
Southwest / West / Northwest / North / Northeast	RD-18 / Single unit detached residence	420 Riverhill Drive NW	0.70
PROPOSED DEVELOPMENT			
--	CON (201 Mount Vernon Highway & 0 Mount Vernon Highway NE), & RD-27 (0 Mount Vernon Highway) / Cemetery/Mausoleum	201 & 0 Mount Vernon Highway & 0 Mount Vernon Highway NE	122.22

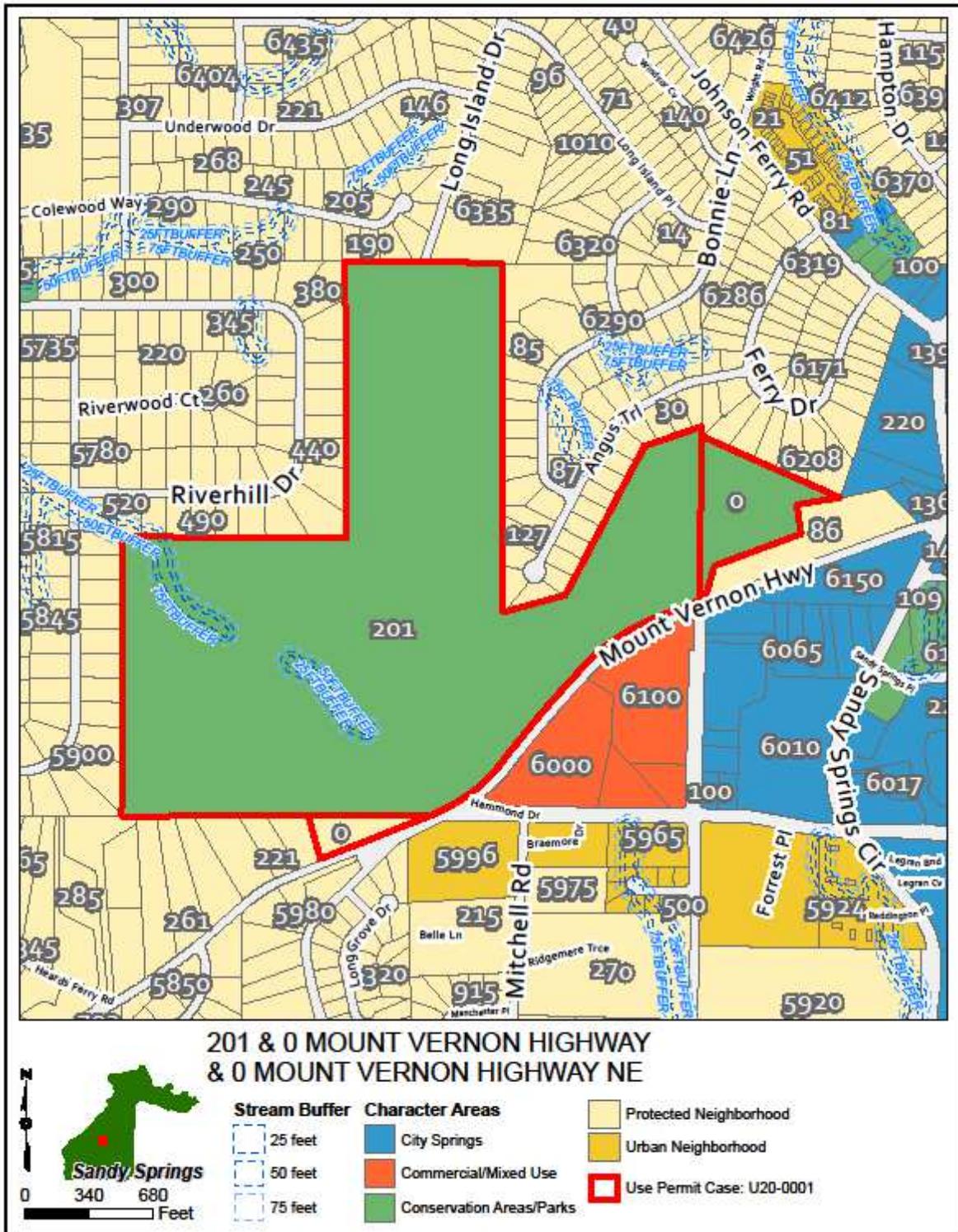
AERIAL IMAGE



ZONING MAP



CHARACTER AREA MAP



CONDITIONAL USE PERMIT CONSIDERATIONS

Per Sec. 11.3.6.D. of the Development Code, the following list of approval criteria for a Conditional Use Permit provides guidance for making decisions on approval:

1. The use is allowed as a conditional use in the respective zoning district (see Div. 7).

Finding: Cemetery/Mausoleum requires a Conditional Use Permit in the CON District. Arlington Memorial Park Cemetery/Mausoleum is existing. The applicant requests a Conditional Use Permit to modify previous conditions from ZM11-005/CV11-007.

2. The use complies with the applicable specific use standard listed in Article 7 without the granting of any Variance.

Finding: Recreation and Open Space is defined as, “Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures” (Sec. 7.4.2. of the Development Code). Cemetery/Mausoleum within this use category is defined as, “Any land or structure in the City dedicated to and used for interment of human or pet remains. It may be a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for storing urns containing human or pet remains, or a combination of one or more of the above” (Sec. 7.4.2.B.). Following are the use standards for Cemetery/Mausoleum and a discussion of the proposed use and applicable standards.

a. Permitted curb cut access must only be from a major thoroughfare or nonresidential local street, unless in conjunction with a place of worship.

There are two (2) existing curb cut access points on Mount Vernon Highway, a minor arterial street.

b. No building may be located within 100 feet of a Protected Neighborhood district used for residential purposes.

No buildings are proposed to be located within 100 feet of a Protected Neighborhood district used for residential purposes.

c. Above ground monuments may not be located within 50 feet of any property line.

No above ground monuments are proposed to be located within 50 feet of any property line.

d. All other structures, including earth interments, must meet the minimum setbacks or 10 feet, whichever is greater.

There are no minimum building setbacks in the CON District. No proposed structures are in the ten-foot (10’) structure and earth interment setback.

e. No parking areas may be located within 50 feet of any Protected Neighborhood district used for residential purposes.

No parking areas are proposed to be located within 50 feet of any Protected Neighborhood district used for residential purposes.

f. Buildings shall not exceed 35 feet in height.

At this time, the applicant would like to proceed with construction of one (1) previously proposed and approved mausoleum (Building A), and it demonstrates compliance with the maximum height.

g. Any security lighting shall have a controlled footprint and be screened from adjacent residential areas.

The applicant notes that existing security lighting has a controlled footprint and is screened from adjacent residential areas. All proposed security lighting must have a controlled footprint and be screened from adjacent residential areas.

h. The maximum lot coverage is determined through the Conditional Use Permit process.

The maximum proposed lot coverage is 629,207.95 square feet, or 11.82% of the total site.

i. An undisturbed natural vegetative buffer of 25 feet shall be located and maintained along all side and rear lot lines.

There is a note on the “Overall Site Plan” that “There are currently burials and above ground monuments in buffers and setbacks, but only in areas developed prior to the 2012 approval. These plots have already been purchased and the time line for burial for these plots is unknown.” The 25-foot undisturbed natural vegetative buffer and buffer lines superseded by the note are located as shown on the “Overall Site Plan.”

j. Copies of applicable local, state, and federal permits must be provided to the Department prior to the issuance of a Certificate of Occupancy.

Arlington Memorial Park Cemetery/Mausoleum is existing.

3. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics.

Finding: Arlington Memorial Park Cemetery/Mausoleum is existing. According to the Arlington website, the first burial there was in 1922. The applicant notes that Arlington predates the adjacent uses. The applicant requests a Conditional Use Permit to modify previous conditions from ZM11-005/CV11-007. They wish to revise the previously approved site plan, remove seven (7) previously proposed and approved mausoleums (Buildings B, D, E, F, G, L, and M), remove the timeframe restriction on mausoleum construction of Buildings A, B, and C, and proceed with construction of one (1) previously proposed and approved mausoleum (Building A). The use is compatible with adjacent uses, much of which are single unit detached residences, as shown in the Existing Zoning and Land Uses of Property in the Vicinity table.

4. Any significant adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.

Finding: Arlington Memorial Park Cemetery/Mausoleum is existing. The applicant requests a Conditional Use Permit to modify previous conditions from ZM11-005/CV11-007. They wish to revise the previously approved site plan, remove seven (7) previously proposed and approved mausoleums (Buildings B, D, E, F, G, L, and M), remove the timeframe restriction on mausoleum construction of Buildings A, B, and C, and proceed with construction of one (1) previously proposed and approved mausoleum (Building A). The applicant also submitted an “Aerial Photo of Site with Boundary and Buffers” and a “Perimeter Tree Buffer Enhancement Plan.”

5. The City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

Finding: Arlington Memorial Park Cemetery/Mausoleum is existing. The request would not increase the number of children who live in Sandy Springs. The City and other service providers are and will be able to provide sufficient public facilities and services.

COMMENTS FROM OTHER PARTIES

Sandy Springs Public Works:

- Right-of-way and property should be reserved to realign the project driveway directly across from Long Island Drive at its intersection with Mount Vernon Highway for intersection improvements, such as a modern roundabout. The intersection improvements would address the operational and safety concerns associated with the driveway offset at the intersection.

- The driveway at the intersection of Mount Vernon Highway/Lake Forrest Drive was not reviewed. It was unclear if this driveway is intended to serve as an entrance/exit to the project site. If it is intended to serve as an entrance/exit to the site, Public Works will need to review this location in more detail.

- ZM11-005/CV11-007 condition 4.a., related to dedicating right of way along the entire property frontage to the City of Sandy Springs at no cost, may be removed if the right of way has already been appropriately dedicated.

- ZM11-005/CV11-007 condition 4.b., related to improving the entire property frontage with curb and gutter along Mount Vernon Highway, may be removed if the curb and gutter have been appropriately constructed.

- ZM11-005/CV11-007 condition 4.c., related to providing a deceleration lane for each project entrance, may be removed if the deceleration lane(s) has (have) been appropriately constructed.

Sandy Springs Transportation Engineer:

- Based on the Public Works comments, the owner should be required to commit to the following:

- Work with the Department of Public Works on any future roadway and/or intersection improvement projects deemed necessary by the City of Sandy Springs Department of Public Works in the future. Specifically, agree to work with Public Works regarding Long Island Drive intersection by realigning the cemetery driveway directly across from Long Island Drive and reserving the necessary right-of-way and property to install a modern roundabout at this intersection. This would require that the area to the southwest of the existing driveway be reserved for this potential future City project.
- Provide at no cost to the City along the entire frontage the necessary right-of-way required for any future roadway and/or intersection improvement projects.
- Limit access to the Lake Forrest Drive / Mount Vernon Highway driveway to Emergency Access Only.

Sandy Springs City Engineer:

- Provide as-built surveys and certification of stormwater management facilities located on the subject properties.

- Submit and record Inspection and Maintenance Agreements for all stormwater management facilities with the City.

Sandy Springs Chief Environmental Compliance Officer:

Based on a site visit and familiarity with Arlington Cemetery, it appears that the site is generally in compliance with ZM11-005/CV11-007 condition 3.b. requiring perimeter planting in the Landscape Buffers.

Sandy Springs Arborist:

Public concerns mention tree removals, yet there are none shown on the site plan. Trees within the vicinity of the work should be shown. There appears to be a small area of tree save fence, but the trees should be identified so tree save fencing can be installed in the proper locations.

Sandy Springs Sustainability Manager:

No comment provided.

Sandy Springs Building Official:

No comment provided.

Sandy Springs Fire Marshal:

No comment provided.

MARTA:

No comment provided.

Fulton County Schools:

No comment provided.

Fulton County Board of Health:

EHS Comments

- If a building is proposed for working or congregating, onsite sanitary facilities will be mandatory prior to use or occupancy.

General Public Health and EJ Comments

- Since this proposed development is not considered an environmentally adverse use, Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment by approving the request for a Conditional Use Permit to allow the existing Cemetery use in the Conservation (CON) District and modify previous conditions.

Fulton County Public Services and Utilities:

NOTE: Various Fulton County departments or divisions that may or may not be affected by the proposed development provide the following information. Comments herein are based on the applicant's conceptual site plan and are intended as general non-binding information and in no manner suggest final finding by the commenter. All projects, if approved, are required to complete the City of Sandy Springs and the Fulton County Plan Review process prior to the commencement of any construction activity.

WATER AND WASTEWATER (SEWER):

WATER

Anticipated water demand: 100 gallons per day (gpd) per 1,000 square feet (sq. ft.) x 11,500 square feet (Proposed Cemetery building "A") sq. ft. = **1,150** gallons per day (gpd).

This project is within the City of Atlanta water jurisdiction.

SEWER

Basin: Marsh Creek

Treatment Plant: R. L. Sutton (Cobb County)

Anticipated sewer demand: **1,035** gallons per day

There are five (5) sewer manholes within the northern property boundary of the 102.57 acre tract (201 Mount Vernon Highway) (Sewer manholes # SMMA0211500 to # SMMA0211540) along an eight (8) inch sanitary sewer line located in Land Lot **124**, District **17** that can service the proposed Cemetery building “A”.

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Public Works for more information.

PUBLIC PARTICIPATION

Community Meeting I

There were approximately 23 attendees, including the applicant team and a representative of the Sandy Springs Council of Neighborhoods, at the Initial Community Meeting on January 30, 2020. Questions and topics discussed included the proposed timeframe, trees, fences, detention ponds, and stormwater runoff.

Community Meeting II

There were approximately 18 attendees, including the applicant team, a representative of the Sandy Springs Council of Neighborhoods, and a City Council Member, at the Second Community Meeting on March 2, 2020. The Director of Community Development began the meeting with an update on Fulton County’s work on detention ponds in Arlington and the County’s responsibilities, clarifying that this is separate from the applicant’s Conditional Use Permit request. Following that, questions and topics discussed included the request and proposed timeframe, the existing maintenance building and fencing, parking, vegetation, stormwater runoff and drainage, lighting, and cemetery operations.

Correspondence Received

Nine (9) public comments were submitted in writing by property owners, most of whom live adjacent to the subject properties. Comments and concerns stated regard the detention/retention ponds and landscaping, a culvert near a creek, stormwater runoff, work at the cemetery, view of Proposed Community Mausoleums and New Maintenance Building, tree removal, size of the Proposed New Maintenance Building, limits of disturbance, and requests for a fence, preemptive plantings and maintenance of the plantings, limited size and height of the Proposed New Maintenance Building, and a Proposed Community Mausoleum not being located closer to the northern property line than the Existing Maintenance Area is. One (1) comment was in opposition to the proposed development, potential Proposed Community Mausoleum height and visibility, and negative impact to the environment and quality of life and mentioned that other nearby property owners also have concerns.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **Approval with Conditions of Conditional Use Permit** U20-0001, request for a Conditional Use Permit to modify previous conditions from ZM11-005/CV11-007. As the request is to modify previous conditions from ZM11-005/CV11-007, Staff recommends that previous conditions that remain relevant be carried over and revised as necessary.

Staff recommends **Approval with Conditions of Conditional Use Permit** U20-0001, request for a Conditional Use Permit to modify previous conditions from ZM11-005/CV11-007, 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.
 - 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 "*Overall Site Plan*" received by the City of Sandy Springs Community Development Department on April 29, 2020.
 - b. Any Land Development Permit related to this Conditional Use Permit application shall include providing stormwater management that is compliant with current standards, for the drainage basin containing the proposed development, considering the basin to be fully developed as represented on the Conditional Use Permit "*Overall Site Plan*" received by the Community Development Department on April 29, 2020. Any proposed additional development 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 Inspection and Maintenance Agreements. Operation and maintenance of stormwater management shall be the responsibility of the property owner. This condition must be fully complied with prior to the issuance of further Development Permits.
 - c. To buffers and landscaping no less than required by Code and/or indicated on the "*Aerial Photo of Site with Boundary and Buffers*" and "*Perimeter Tree Buffer Enhancement Plan*" received by the Community Development Department on May 15, 2020, whichever is greater.
 - d. To a maximum lot coverage of 629,207.95 square feet, or 11.82% of the total site.
 - e. To a maximum building height for the Proposed New Maintenance Building of 25 feet.
 - f. To a maximum building height for Proposed Community Mausoleums H, I, and J of 25 feet.
 - g. Should there be any conflict between provisions, the stricter provision shall apply.

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 setbacks pursuant to this petition.
 - b. Replant to buffer standards per Div. 8.2. of the Development Code the area between the existing drive and the property line (by the Masonic, Cross, and Monument sections).
 - c. No more than the two (2) existing exits/entrances on Mount Vernon Highway. Curb cut location and alignment are subject to the approval of the City of Sandy Springs City Engineer or Community Development Director and Department of Public Works.
 - d. No access shall be allowed from Long Island Drive where it adjoins the northern property line.
 - e. 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. 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.
 - f. Provide a 20-foot side yard setback for graves in Area #4 for a distance of 313 feet.
 - g. 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. 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 City need to provide maintenance that eliminates the landscaping, it 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.
 - h. The applicant shall provide a performance bond to the City of Sandy Springs at the time the landscape plan for Area 1 is approved. Appropriate Inspection and Maintenance Agreements should be drafted to satisfy the City Attorney.
 - i. 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.
 - Area #2- Ten (10) feet
 - Area #3- Five (5) feet (along property line labeled for a distance of 340 feet)
 - Area #4- Twenty (20) feet (along property line labeled for a distance of 313 feet)
 - j. Provide a five (5)-foot landscape strip planted to buffer standards in Area #3 along property line labeled for a distance of 635 feet.
 - k. 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 shall be demarcated with 6" x 6" flush markers every 50 feet that are painted and readily identifiable. In undeveloped areas, a four (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 Community Development Director.

- l. The tree save area shall be demarcated with 6" x 6" flush markers on all corners that are painted and readily identifiable, subject to the approval of the Community Development Director.
- m. Demarcation plan subject to the approval of the Community Development Director shall be maintained in the Arlington Park sales office at all times.
- n. Provide a 35-foot side yard setback for a distance of 213 feet for graves in Area #4 starting beyond the 313 feet.
- o. Provide a tree save area, subject to the approval of the City of Sandy Springs Arborist. A separate map of the tree save area shall be maintained in the Arlington Park sales office at all times.
- p. Plant one (1) row of six (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, for the purpose of screening. Plantings shall be completed prior to issuance of a Land Disturbance Permit (LDP).
- q. Arlington Cemetery shall maintain the required planted buffers and landscape strips.
- r. To allow the applicant an exemption from the requirements of the Streetscape standards for planting strip, sidewalks, street trees and lighting due to the existence of graves along the majority of the property line along Mount Vernon Highway.
- s. Reserve an area extending 130' from the centerline of Mount Vernon Highway from the vehicular entrance southwest to the property line adjacent to 211 Mount Vernon Highway as future right of way. The reserved area may not include any permanent structures or burial plots.
- t. 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.
- u. 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.
- v. The relocated maintenance building shall be painted a dark or neutral color to limit its visibility from surrounding residential areas.

- w. 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.
 - x. All the required natural, undisturbed buffers shall be replanted where sparsely vegetated, subject to the approval of the City of Sandy Springs Arborist.
 - y. In areas immediately adjacent to the stormwater management ponds, the owner shall re-vegetate the buffers along the property lines and will plant trees around the perimeter of the ponds where land clearing activities are required to construct the ponds, as necessary. Areas excluded from the aforementioned re-vegetation include the dam embankments, spillways, areas within the stormwater management ponds, and areas around the ponds needed for maintenance vehicles and access.
4. To the owner's agreement to abide by the following requirements, dedications, and improvements: To work with the City of Sandy Springs Department of Public Works on roadway and intersection improvement projects and provide necessary right-of-way along the entire frontage, at no cost to the City, for the City to perform said projects.
5. To the owner's agreement to abide by the following:
- a. The Owner must provide an as-built certification on the stormwater management system and submit Inspection and Maintenance Agreements on all stormwater management facilities.
 - b. No mausoleums or structures exceeding three (3) feet from finish grade shall be within the 75-foot stream buffer.
 - c. 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. The aforementioned stream buffer areas shall be restored and maintained to riparian standards as regulated.
 - d. To work with the City of Sandy Springs Department of Public Works regarding future roadway and intersection improvement plans.
 - e. To limit access at Lake Forrest Drive / Mount Vernon Highway entrance to Emergency Access Only.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Following review, and based on the findings, Staff recommends **Approval with Conditions** of **Conditional Use Permit** U20-0001, request for a Conditional Use Permit to modify previous conditions from ZM11-005/CV11-007. As the request is to modify previous conditions from ZM11-005/CV11-007, Staff recommends that previous conditions that remain relevant be carried over and revised as necessary. The red strikethrough is proposed to be removed, and the blue text is proposed to be revised/added.

Staff recommends **Approval with Conditions** of **Conditional Use Permit** U20-0001, request for a Conditional Use Permit to modify previous conditions from ZM11-005/CV11-007, 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~~ *“Overall Site Plan”* received by the ~~Zoning~~ *City of Sandy Springs Community Development Department* ~~of Community Development~~ on ~~February 3, 2009~~ *December 6, 2011* ~~April 29, 2020.~~ *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~~ *Conditional Use Permit* application ~~(ZM11-005/CV11-007)~~ shall include providing ~~detention,~~ *stormwater management that is* 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~~ *Conditional Use Permit site plan “Overall Site Plan”* received by the ~~Department of~~ *Community Development Department* on ~~December 6, 2011~~ *April 29, 2020.* 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~~ *Inspection and Maintenance* Agreements. Operation and maintenance of ~~detention~~ *stormwater management* shall be the responsibility of the property owner. *This condition must be fully complied with prior to the issuance of further Development Permits.*
 - c. *To buffers and landscaping no less than required by Code and/or indicated on the “Aerial Photo of Site with Boundary and Buffers” and “Perimeter Tree Buffer Enhancement Plan”*

received by the Community Development Department on May 15, 2020, whichever is greater.

d. To a maximum lot coverage of 629,207.95 square feet, or 11.82% of the total site.

e. To a maximum building height for the Proposed New Maintenance Building of 25 feet.

f. To a maximum building height for Proposed Community Mausoleums H, I, and J of 25 feet.

g. Should there be any conflict between provisions, the stricter provision shall apply.

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~~ setbacks 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).~~

~~e.~~ b. Replant to buffer standards per Div. 8.2. of the Development Code 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.~~ c. No more than the two (2) existing exits/entrances on Mt. Mount Vernon Highway. Curb cut location and alignment are subject to the approval of the City of Sandy Springs Traffic City Engineer or Community Development Director and Department of Public Works.

~~f.~~ d. 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.~~ e. 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. f. 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. g. 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 City need to provide maintenance that eliminates the landscaping, the City of Sandy Springs it 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. h. 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 Appropriate Inspection and Maintenance Agreements should be drafted to satisfy the County City Attorney.~~

~~p. i. 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 (10) feet

Area #3- Five (5) feet (along property line labeled for a distance of 340 ft feet)

Area #4- Twenty (20) feet (along property line labeled for a distance of 313 feet)

~~q.~~ j. Provide a five (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.~~ k. 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 four (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 ~~Director~~.

~~t.~~ l. 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~~ 6" x 6" flush markers on all corners that are painted and readily identifiable, subject to the approval of the ~~Director of~~ Community Development ~~Director~~.

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

~~v.~~ m. Demarcation plan subject to the approval of the ~~Director of~~ Community Development ~~Director~~ ~~must be posted within public view no later than March 1, 2009 in the Arlington Park sales office and~~ shall be maintained ~~there~~ in the Arlington Park sales office at all times.

~~w.~~ n. 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.~~ o. 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~~ in the Arlington Park sales office at all times.

~~y.~~ p. Plant one (1) row of six (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, ~~for the purpose of screening~~. Plantings shall be completed prior to issuance of a Land Disturbance Permit (LDP).

~~z.~~ q. 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.~~ r. 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.~~ Mount Vernon Highway. ~~(CV08-028).~~

~~bb.~~ s. Reserve an area extending 130' from the centerline of ~~Mt.~~ Mount Vernon Highway from the vehicular entrance southwest to the property line adjacent to 211 ~~Mt.~~ Mount 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.~~ t. 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.~~ u. 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.~~ v. 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.~~ w. 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.~~ x. All the required natural, undisturbed buffers shall be replanted where sparsely vegetated, subject to the approval of the City of Sandy Springs Arborist.

~~mm.~~ y. In ~~the~~ areas immediately adjacent to the ~~detention~~ stormwater management ponds, the owner shall re-vegetate the buffers along the property lines and will plant trees around the perimeter of the ponds where land clearing activities are required to construct the ponds, ~~as necessary~~. Areas excluded from the aforementioned re-vegetation include the dam

embankments, spillways, areas within the ~~detention~~ stormwater management ponds, and areas around the ponds needed for maintenance vehicles and access.

4. To the owner's agreement to abide by the following requirements, dedications, and improvements: To work with the City of Sandy Springs Department of Public Works on roadway and intersection improvement projects and provide necessary right-of-way along the entire frontage, at no cost to the City, for the City to perform said projects.

~~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 stormwater management 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.~~

~~n. a. 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. The Owner must provide an as-built certification on the stormwater management system and submit Inspection and Maintenance Agreements on all stormwater management facilities.~~

~~o~~ b. No mausoleums or structures exceeding three (3) 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.~~

~~p~~ c. 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.

d. To work with the City of Sandy Springs Department of Public Works regarding future roadway and intersection improvement plans.

e. To limit access at Lake Forrest Drive / Mount Vernon Highway entrance to Emergency Access Only.

FEB 27 2020



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City of Sandy Springs
Community Development
Case No.: V20-0001
Planner's initials: AH

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 0, 0 and 201 Mount Vernon Hwy., NE <u>201+0 Mount Vernon Hwy. & 0 Mount Vernon Hwy. NE</u>	
	Parcel Tax ID(s): 17 0124 LL0154; 17 0123 LL1187; and 17 0089 LL0116	
	Total acreage: 102.57 acres	Council District: 3
	Current zoning: Conservation and Open Space	Current use: Cemetery
	Character Area: Conservation Area/Park	

0 Mount Vernon Hwy. NE

APPLICATION	Purpose of the application:	
	Check all that apply:	
	<input type="checkbox"/> Zoning Map Amendment (Rezoning)	<input checked="" type="checkbox"/> Conditional Use Permit
	Detailed request: Conditional use request to accommodate the alteration of the site plan approved as a part of the original conditional use approval for the site in Z93-030 and ZM08-016/CV08-034 and to eliminate certain conditions from the original approval as indicated in the redline of said approved conditions enclosed herein.	
	Petitioner: Executive Equities Inc., d/b/a Arlington Memorial Park <i>(contact: Chad Eubanks)</i>	
	Petitioner's address: 0, 201 Mt. Vernon Hwy., NE, and 0 Mt. Vernon Hwy. Sandy Springs, Georgia 30328 <u>201+0 Mount Vernon Hwy. & 0 Mount Vernon Hwy. NE</u>	
	Phone: 404-255-0750	Email: chad.eubanks@dignitymemorial.com

OWNER	Property owner: Same as Applicant	
	Owner's address:	
	Phone: 404-255-0750	Email: chad.eubanks@dignitymemorial.com
	Signature (authorizing initiation of the process):	
	<i>If the property is under contract, provide a copy of the contract</i>	

- TO BE FILLED OUT BY P&Z STAFF -

Pre-Application Meeting date: <u>1/7/2020</u>	Anticipated application date: <u>2/4/2020</u>
CMI date, time, and location: <u>1/30/2020 at 6 PM at Arlington's sandy springs chapel</u>	
ADDITIONAL INFORMATION NEEDED:	
SUBMITTAL ITEMS WAIVED BY DIRECTOR:	

136 Mount Vernon Hwy.

Horst, Alexandra

From: Kalyn Keeney, PE, LEED AP, BD+C <kkeeney@prime-eng.com>
Sent: Monday, March 23, 2020 10:07 AM
To: Horst, Alexandra; Carl Westmoreland; Henry A. Bailey; Eubanks, Chad
Cc: Anspach, Matthew; Sottile, Ginger
Subject: RE: U20-0001 (Arlington Cemetery)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Alexandra,

Fulton County does not own property at Arlington. There are two stormwater easements that were dedicated to them by the Cemetery back in the 1980s. The cemetery still owns this property which is why nothing would show up on the Tax Assessors Website.

Regards,

Kalyn Keeney, PE, LEED AP, BD+C

Project Manager
Prime Engineering, Inc.
3715 Northside Parkway, NW
Building 300, Suite 200
Atlanta, GA 30327

404-425-7100 Main
404-425-7145 Direct
404-425-7101 Fax
kkeeney@prime-eng.com
www.prime-eng.com

PRIME
ENGINEERING
INCORPORATED[®]

From: Henry A. Bailey <hbailey@mmmlaw.com>

Sent: Monday, March 23, 2020 11:59 AM

To: Horst, Alexandra <AHorst@SandySpringsga.gov>; Carl Westmoreland <CWestmoreland@mmmlaw.com>; Eubanks, Chad <Chad.Eubanks@Dignitymemorial.com>; Kalyn Keeney, PE, LEED AP, BD+C <kkeeney@prime-eng.com>

Cc: Anspach, Matthew <MAAnspach@SandySpringsga.gov>; Sottile, Ginger <GSottile@SandySpringsga.gov>

Subject: RE: U20-0001 (Arlington Cemetery) [MMM-mmmmdms1.28266.135345]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

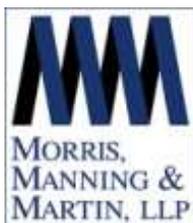
Hi Alexandra – the correct acreage is 122.2214 based on our title survey – all calculations included in the application were based on this number. It does not appear that the information on the Fulton County is correct regarding acreage.

Also, E O Corp. is an affiliate of Executive Equities Inc. and are all under one parent company. Let me know if you need anything further on this.

The project information sheet that reflects the acreage above is also attached.

Please let me know if you need additional information.

Henry



Henry A. Bailey
Associate

Direct: 404-504-5446
hbailey@mmmlaw.com
1600 Atlanta Financial Center
3343 Peachtree Road, NE
Atlanta, GA 30326

mmmlaw.com



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FEB 04 2020

City of Sandy Springs
Community Development

AUTHORIZATION FORM – PART I

A- The property owner must fill out the following section and have it notarized. If a property has multiple owners, each owner must separately fill out a copy of the authorization form.

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: Executive Equities INC. d/b/a Arlington Memorial Cemetery	Sworn and subscribed before me this 29 th day of January 20 20 Notary public: Seal: Commission expires: 8/8/2023
Address: 201 Mount Vernon Hwy	
City, State, Zip Code: Sandy Springs, Georgia 30328	
Email address: CHAD.EVBANKS@IDENTITYMEMORIAL.com	
Phone number: (770) 833-5988	
Owner's signature: 	

B- If the applicant is *not* the current owner of the subject property:
Fill out the following section, check the appropriate statement and have it notarized.

Applicant states under oath that:	
<input type="checkbox"/> He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an option to purchase the subject property (<i>attach a copy of the contract</i>); or <input type="checkbox"/> He/she has an estate of years which permits the applicant to apply (<i>attach a copy of the lease</i>)	
Applicant's name:	Sworn and subscribed before me this ____ th day of _____ 20 ____ Notary public: Seal: Commission expires:
Company name:	
Address:	
City, State, Zip Code:	
Email address:	
Phone number:	
Applicant's signature:	



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AUTHORIZATION FORM – PART II

RECEIVED

FEB 04 2020

City of Sandy Springs
Community Development

C- If an agent or attorney will represent the owner and/or the applicant:
Fill out the following section and have it notarized.

Agent's name: Carl Westmoreland or Henry Bailey
Company: Morris, Manning & Martin, LLP
Address: 3343 Peachtree Road, NE, Suite 1600
City, State, Zip Code: Atlanta, Georgia 30326
Email address: hbailey@mmmlaw.com or cwestmoreland@mmmlaw.com
Phone number: 404-233-7009
Agent's signature:
Applicant's signature:

Sworn and subscribed before me this
4 th day of February 20 20
Notary public:
Seal:
Commission expires: May 10, 2022



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FEB 04 2020

City of Sandy Springs
Community Development

DISCLOSURE OF CONTRIBUTION FORM

Within the two (2) years immediately preceding the filing of this application have you made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council? Yes No

List all individuals or business entities which have an ownership interest in the property which is the subject of this application:
N/A

Campaign Contributions:			
Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more
N/A			

The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name: CHAD EUBANKS
Signature:  Date: 01/29/2020

Note: Each party involved in the application must sign an individual copy of this form.



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RECEIVED

FEB 27 2020

City of Sandy Springs
Community Development

DISCLOSURE OF CONTRIBUTION FORM

Within the two (2) years immediately preceding the filing of this application have you made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to the Mayor or any member of the City Council? Yes No

List all individuals or business entities which have an ownership interest in the property which is the subject of this application:

Campaign Contributions:			
Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name: <i>Carl Westmeyer</i>
Signature: <i>[Signature]</i> Date: <i>2/5/20</i>

Note: Each party involved in the application must sign an individual copy of this form.

RECEIVED
02/06/2020
9:47:46 AM



Conditional Use Permit Application
201 Mount Vernon Highway
Letter of Intent and Analysis

Louisa Tovar
Revised Letter of Intent 2.6.20 - Copy.pdf
SANDY SPRINGS™
GEORGIA

This conditional use application is filed to allow for the continuation of an existing cemetery and mausoleum use at 201 Mount Vernon Highway that is known as Arlington Memorial Cemetery (the "Cemetery"). Arlington received a CUP in 2012 when the property was zoned AG-1. When the City adopted new city-wide zoning districts a couple of years ago, the property was zoned to the Conservation District, which did not permit cemeteries. A recent text amendment removed that prohibition and therefore this application is being filed to allow continuation of the cemetery as a legal use. This application continues the conditions from the 2012 CUP, with the exception of deleting items which have been completed or are addressed in the new ordinance. There is a new site plan which deletes seven of the previously proposed mausoleum buildings, and condition 3.ii. in which established dates for the construction of the mausoleums is deleted. There are 26 employees at the Cemetery. The Cemetery is operational daily from the hours of 8:00AM to 5:00PM.

1. The use is allowed as a Conditional Use in the respective zoning district (see Div. 7.2).

Cemetery/Mausoleum uses are a conditional use in the Conservation and Open Space Zoning district.

2. The use complies with the applicable specific use standard listed in Div. 7.2., if any, without the granting of any variance.

The use complies with applicable specific use standards listed in Div. 7.2 based on prior zoning and prior conditional use approval and as indicated below.

Use Standards

a. Permitted curb cut access must only be from a major thoroughfare or nonresidential local street, unless in conjunction with a place of worship.

The existing access is provided from Mt. Vernon Highway as indicated on the site plan enclosed herein.

b. No building may be located within 100 feet of a Protected Neighborhood district used for residential purposes.

No building is located within 100 feet of any Protected Neighborhood used for residential purposes as indicated on the site plan enclosed herein.

c. Above ground monuments may not be located within 50 feet of any property line.

No above ground monuments are located within 50 feet of any property line as indicated on the site plan enclosed herein.

d. All other structures, including earth interments, must meet the minimum setbacks or 10 feet, whichever is greater.

All minimum setbacks are satisfied as shown on the site plan enclosed herein.

e. No parking areas may be located within 50 feet of any Protected Neighborhood district used for residential purposes.

No parking areas are located within 50 feet of any Protected Neighborhood district used for residential purposes.

f. Buildings shall not exceed 35 feet in height.

Any new proposed buildings will comply with this requirement.

g. Any security lighting shall have a controlled footprint and be screened from adjacent residential areas.

All existing security lighting on the site complies with this requirement as will any security lighting that may be added in the future.

h. The maximum lot coverage is determined through the Conditional Use Permit process.

Maximum proposed lot coverages are indicated in a table on the site plan enclosed herein.

i. An undisturbed natural vegetative buffer of 25 feet shall be located and maintained along all side and rear lot lines.

The use complies with this requirement as indicated on the site plan enclosed herein.

j. Copies of applicable local, state, and federal permits must be provided to the Department prior to the issuance of a Certificate of Occupancy.

The use is already existing at the site and such copies have been provided previously.

In accordance with the foregoing, no variances are necessary for the granting of the conditional use permit sought by this application.

3. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics.

The use is an existing Cemetery with mausoleums that, to the extent possible, is compatible with the adjacent uses, all of which the cemetery predates. The majority of the adjacent uses are single family residential. Sandy Springs United Methodist Church along with their cemetery is also an adjacent use located to the east of the property. Across Mt. Vernon Highway to the south includes a mix of uses that includes medical office buildings and additional residential. The design of the site capitalizes on the property's over 100 acres of natural terrain with existing vegetation and vegetated buffers along much of the perimeter. Regarding hours of operation and operating characteristics, nothing about

the use of the property is intensive and no changes are proposed by this application. Funerals occur during normal business hours and are contained within the boundaries of the property.

4. Any significant adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.

There are no significant adverse impacts resulting from the use of the property. Any potential traffic generated by the use is not unlike traffic generated by any other funeral procession. To the extent possible, any traffic generated by funeral processions at the site is mitigated by the ability to contain the entirety of funeral processions within the property. In other words, no intentional stacking or parking of cars as part of any funeral procession will be done in the public right-of-way.

5. The City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

The City and service providers currently provide sufficient facilities and services to this site. There is no expectation that an increase in level of service is warranted due to the current conditional use permit application.

ARLINGTON MEMORIAL PARK

Legal Description.

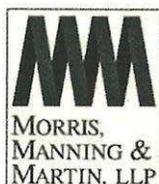
All that tract or parcel of land lying and being in Land Lots 89, 123, and 124 of the 17th District, Fulton County, Georgia and being more particularly described as follows:

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.

REC'D

FEB 04 2020

City of Sandy Springs
Community Development



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Community Development

Carl E. Westmoreland, Jr.
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www.mmmlaw.com

January 31, 2020

VIA HAND DELIVERY

Ms. Louisa Tovar
Planner I / CDBG Coordinator
City of Sandy Springs
1 Galambos Way
Sandy Springs, GA 30328

Re: Arlington Memorial Park – U20-0001

Dear Louisa:

This will summarize the CM1 meeting which was held yesterday at Arlington's Sandy Springs Chapel located at 136 Mt. Vernon Highway. The meeting began at 6:00 p.m. and concluded around 6:45 p.m. although certain individual members of the public stayed to speak with representatives of the applicant until approximately 7:15. The sign-in sheets for those who attended are attached.

There were general questions about the timing of future improvements at Arlington, to which Chad Eubanks responded. We explained that only improvements shown on the plan could be constructed, regardless of timing. There were also several questions about trees and fences specific property lines. Mr. Eubanks discussed those with individuals and we said to let us know if there are specific issues which can be discussed individually in the next several weeks.

The majority of the questions involved work done on the two detention ponds which are owned by Fulton County and were reconstructed in the last several years. More specifically, there was concern over the amount of trees removed for that work both around the ponds and for installation of pipes. I offered to speak with the City attorney in an attempt to find out whether the County had to do more work and whom at the County the neighbors could contact.

Please let me know if you need anything further.

Sincerely Yours,

Carl E. Westmoreland

CEW/jsl
Enclosure