

**AN ORDINANCE TO AMEND THE CITY OF BROOKHAVEN ZONING CLASSIFICATION
AND MAP FOR ZONING CONDITIONS OF LAND LOT 275, DISTRICT 18 IN
CONSIDERATION OF REZONING CASE LUP22-00001 AND SPECIAL LAND USE
PERMIT (SLUP) LUP22-00002 (3068 3074 & 3086 OSBORNE ROAD)**

WHEREAS, St. Martin's Episcopal School, Inc. seeks to rezone the subject property to RS-75 (Single-Dwelling Detached 10,000 sq. ft.); and

WHEREAS, the property consisting of 7.24 acres of land is currently zoned RS-75 (Single-Dwelling Detached 10,000 sq. ft.) and RS-100 (Single-Dwelling Detached 15,000 sq. ft.); and

WHEREAS, the proposed rezoning would be consistent with the policy and intent of the City of Brookhaven 2034 Comprehensive Plan, subject to mitigating conditions as indicated below; and

WHEREAS, notice to the public regarding said rezoning has been duly published in the DeKalb Champion, the Official News Organ of the City of Brookhaven; and

WHEREAS, a public hearing was held by the Mayor and City Council of the City of Brookhaven as required by the Zoning Procedures Act.

NOW THEREFORE, The Mayor and City Council of the City of Brookhaven hereby **ORDAINS AND APPROVES** the rezoning of this said property from RS-75 (Single-Dwelling Detached 10,000 sq. ft.) and RS-100 (Single-Dwelling Detached 15,000 sq. ft.) to RS-75 (Single-Dwelling Detached 10,000 sq. ft.) – Conditional with a Special Land Use Permit (SLUP) to allow a school recreation facility, subject to the following conditions:

1. To the Owner/Developer's agreement to restrict the use of the subject property as follows:
 - a. A school recreation facility, as follows:
 - i. A 60-yard by 120-yard synthetic turf sports field and support structures,
 - ii. A 23,000 square-foot multi-purpose building not to exceed 2-stories in height, and
 - iii. A publicly-accessible pocket park.
2. To the Owner/Developer's agreement to abide by the following:
 - a. A combination plat for 3068, 3074, and 3086 Osborne Road shall be approved by the City of Brookhaven and recorded by DeKalb County, prior to issuance of a land disturbance permit.
 - b. Development of the subject property shall be consistent with the "Zoning Plan" entitled "St. Martins Episcopal School Athletic Venue" prepared by Travis-Pruitt and Associates produced on September 27, 2022 and submitted to the Community Development Department date stamped received September 27, 2022 (the "Site Plan"). The Site Plan is conceptual only and must meet or exceed the requirements of the zoning ordinance, these conditions, and any other applicable city codes prior to the approval of a land disturbance permit. The location and distribution of land

uses and associated square footage as shown on the Site Plan may be altered as appropriate.

- c. All construction parking shall be located on-site, or off-site arrangements must be made. No construction parking shall be located on public streets.
- d. Owner/Developer shall designate a minimum 0.50-acre portion of the subject property as publicly-accessible open space and as generally reflected on the Site Plan (the "Public Open Space"). At the time the subject property is developed, Owner/Developer shall develop the Public Open Space in substantial accordance with the Site Plan. Further, after construction of the Public Open Space is completed and subject to any necessary approvals, Owner/Developer shall transfer title of the Public Open Space to the City of Brookhaven for use as a public park. Owner/Developer shall be responsible for construction of the Public Open Space. Setbacks, buffers and other development requirements for the development proposed on the Site Plan shall be measured from existing property lines versus any future property lines (including new property lines created by the dedication referenced in this condition) that may be created subsequent to this approval and said transfer(s) shall not create non-conforming lot(s) or use(s) and shall not require any changes to the Site Plan nor any variances. The newly created property lines which arise from conveyance(s) are not required to obscure setbacks, buffer or other zoning requirements, except as may be reflected on the Site Plan. Finally, Owner/Developer may use the specimen trees in the Public Open Space towards specimen recompense for specimen trees removed on the remainder of the subject property.
- e. The general hours of operation shall be:
 - i. Monday through Friday: 7:00am to 9:30pm
 - ii. Saturday: 8:00am to 9:30pm
 - iii. Sunday: 11:00am to 7:00pmOwner/Developer shall have the right and authorization to periodically use the subject property outside of the stated hours for purposes of setup or clean up of events. Further, Owner/Developer may host events in the multipurpose building until 11:00 pm up to three times per year.
- f. The 60-yard by 120-yard synthetic turf sports field shall not be lighted.
- g. External lighting between the hours of 9:30pm and 7:00am shall be limited to security lighting only.
- h. The following features shall be prohibited in any outdoor area:
 - i. Permanently-mounted or temporarily-mounted public address systems, and
 - ii. Permanent or temporary batting cage facilities
- i. Owner-Developer shall replant with screening vegetation a greenspace buffer along the northern and western property boundaries as shown on the Site Plan consisting of a double-row of trees, subject to the review and approval of the City Arborist. Owner/Developer may maintain the existing trees and vegetation along the southern property line and add screening as appropriate. Any existing tree that is removed from the southern property line shall be replaced within the appropriate time, in consultation with the City Arborist. Further, Owner/Developer shall install screening vegetation along the western fence line of the Public Open Space referenced in 2.d above and as shown on the Site Plan and the eastern fence line of the parking lot abutting Osborne Road.
- j. Owner-Developer shall install an 8-foot tall, opaque fence along the property lines adjoining R-zoned lots. Said fence shall include sound blockage screening on the interior of the fence, subject to the approval of the Community Development Department.

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF BROOKHAVEN**

ORDRZ 2022-11-01

- k. Leasing or renting the 60 x 120 yard turf sports field to third-parties shall be prohibited. These conditions shall not prohibit Owner/Developer, however, from allowing the 60 x 120 yard turf sports field to be used without charge (except recovery of any cost or expense incurred) by civic and/or community groups located within the City of Brookhaven and/or civic and/or community groups designed to serve the interests of the citizens of the City of Brookhaven, including but not limited to persons, organizations and/or agencies affiliated with the government of the City of Brookhaven.
- l. The detention facilities shown on the Site Plan shall be designed to provide 105% of the required storage. Further, and subject to any necessary approvals, Owner/Developer may route stormwater from the existing headwall on Osborne Road at the area to be dedicated as a pocket to the southernmost detention pond under the condition that the City does not impose any requirements to detain the offsite water, to provide any water quality improvements to the offsite water, or to provide any channel protection volume for the offsite water.

SO ORDAINED AND EFFECTIVE, this the ____ day of _____, 2022.

Approved by:

Approved as to Form and Content

John Arthur Ernst Jr., Mayor

Christopher Balch, City Attorney

Attest:

Susan Hiott, City Clerk

SEAL