

**AN ORDINANCE TO AMEND THE CITY OF BROOKHAVEN ZONING CLASSIFICATION
AND MAP FOR ZONING CONDITIONS OF LAND LOT 301, 302, 305 and 306.
DISTRICT 18 IN CONSIDERATION OF REZONING CASE LUP22-00004 AND SPECIAL
LAND USE PERMIT (SLUP) LUP22-00005 WITH CONCURRENT VARIANCES (2036
JOHNSON FERRY ROAD AND**

WHEREAS, Regency Centers, LLC, seeks to rezone the subject property to C-1 (Local Commercial); and

WHEREAS, the property consisting of 8.26 acres of land is currently zoned N-S (Neighborhood Shopping) District Conditional; 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 N-S (Neighborhood Shopping) District to C-1 (Local Commercial) District – Conditional with a Special Land Use Permit (SLUP) with concurrent variances, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To the Site Plan submitted to the Department of Community Development received on November 15, 2022. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted, herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
 - b. To the elevations received by the Department of Community Development dated September 7, 2022. Said elevations are conceptual only and subject to the approval of the Director of Community Development prior to issuance of a Certificate of Occupancy.
2. To the owner's agreement to provide the following site development standards:
 - a. LUP22-00005: A drive-through shall be permitted for the proposed pharmacy in accordance with the site plan submitted to the Department of Community Development received on November 15, 2022.
 - b. CV22-01: Transitional buffer shall be reduced from 50 feet to 0 feet.
 - c. CV22-02: Interior parking lot landscaping requirements shall be modified to allow trees to be planted at least 75 feet from a parking space.
 - d. CV22-03: Existing street trees along Johnson Ferry Road and Ashford Dunwoody Road shall be maintained. Owner/Developer shall plant additional

- screening vegetation in the existing parking landscape islands along street frontages of both Johnson Ferry Road and Ashford Dunwoody Road, subject to the review and approval of the City Arborist.
- e. CV22-04: The service opening for the new anchor grocery building may be oriented toward the street right-of-way (Ashford Dunwoody Road).
 - f. Owner/developer shall dedicate additional right-of-way along Ashford Dunwoody Road along the property frontage to a distance of 50 feet as measured from the centerline of Ashford Dunwoody Road or to the back of the sidewalk, whichever is greater.
3. Owner's agreement to restrict the use of the subject property as follows:
- a. Fueling stations, minor automobile maintenance and repair shops shall be restricted on the subject property.
4. To the owner's agreement to abide by the following:
- a. Applicant shall provide a conceptual parking landscape plan to the Department of Community Development as part of the Land Disturbance Permit, subject to review and approval by the City Arborist.
 - b. Interior pedestrian walkways and crosswalks shall connect with existing public crosswalk located at Ashford Dunwoody Road and existing sidewalk along Johnson Ferry Road as shown on the site plan dated November 15, 2022.
5. Owner/developer shall submit a conceptual tree planting and landscape plan as part of the Land Disturbance Permit in similar accordance with the concept plan submitted to the Community Development Department on November 15, 2022, subject to review and approval by the City Arborist and the Department of Public Works.

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