

CONDITIONS OF APPROVAL
SLUP-09-16012
MARIST
Draft
Rev 01-04-10

These are the conditions of approval of SLUP 09-16012 approved in lieu of the Staffs' proposed conditions, and which supercede any DeKalb Code requirements.

1. The Subject Property shall be developed substantially in accordance with the Site Plan prepared by Watts & Browning dated _____ and attached as Exhibit A.
2. The athletic fields, tennis courts and trails on the Cross Creek portion of the Marist campus (defined as the land area north of Nancy Creek) shall be used only for Marist approved functions. "Marist approved functions" includes hosting athletic competitions such as a tennis tournament or cross country track meets, as well as programs allowed by Marist for the benefit of the surrounding community such as summer camps.
3. Activities on the new practice athletic fields and new tennis courts shall be limited to daylight hours from 7:00 a.m. to and conclude by 8:30:00 p.m. ~~No outside stadium or other permanent or temporary/portable lighting shall be installed on the new practice athletic fields and new tennis courts-except for security purposes.~~ Further, no permanent or temporary/portable lighting shall be installed on the running trail. The existing stadium, baseball or softball lights on the main campus may be maintained or replaced as needed, but may not be increased in height or candle power. No outside permanent or temporary/portable amplification system shall be installed on the new practice fields or new tennis courts. Any air conditioning units installed in the concession/convenience building shall be located at least 50-75 feet from the northern property line and shall not face that line.
4. Any security lighting on the Cross Creek campus shall be directed away from West Nancy Creek Drive and directed downward so as to minimize light intrusion or glare on to adjacent residential properties. Such lights shall be equipped with sharp cut-off angles, external baffles and/or shields to limit light spillage. No new light pole on the Cross Creek portion of the Marist campus shall exceed 35-15' in height. Further, no lighting shall be located within 50'-100' of the ~~northern~~ property line where adjacent to residentially used property ~~unless required for security purposes or by DeKalb County and then any such security lighting located within 50' of the northern property line where adjacent to residentially used property shall not exceed 15 feet in height.~~ Marist will provide a conceptual lighting plan to the community representative referenced in ¶ 11 below prior to the issuance of the SLUP. No permanently installed bleachers may be erected on the Cross Creek property, and any temporary bleachers shall not exceed ten (10)six (6) feet in height (excluding safety rails). Further, the bleachers for any one (1) of the new practice athletic fields or the new tennis courts shall not exceed 150'-30' in length.

5. Any dumpster located on the Cross Creek property shall be screened from view by residents on the south side of West Nancy Creek Drive by an opaque fence. This restriction shall not apply to roll-off dumpsters used during construction. Dumpster service (except for roll offs) shall be limited to weekdays and Saturday between 7 a.m. and 5 p.m. Further, dumpsters (with the exception of roll-off dumpsters used during construction) shall be located generally in the defined parking areas identified on Exhibit A.
6. A ~~50'-75'~~ buffer shall be maintained parallel to ~~the northern property line where adjacent~~ to residentially used property. Grading may occur adjacent to the tennis courts within this buffer, provided vegetation is reestablished upon completion, but a ~~25'-50'~~ undisturbed buffer shall be maintained immediately adjacent to the property line. Marist will provide a conceptual landscape plan to the community representative referenced in ¶ 11 showing a typical ~~50'-25'~~ section of the proposed buffer replanting and attached as an exhibit, prior to the issuance of the SLUP. ~~These restrictions shall not prevent Marist from placing a running trail within the disturbed portion of the 50' buffer, or security lighting as limited by ¶ 4.~~ Emergency vehicles and golf carts for maintenance or security may use these trails as needed; otherwise use is limited to pedestrians.
7. Land Disturbance and vegetative removal shall comply with ~~the Tree Preservation and Replacement Plan attached as Exhibit B and incorporated by reference. This plan meets or exceeds the tree density required by~~ Section 14-39 of Article II Environmental Control Ordinance, ~~with regard to preservation and/or replacement of trees and therefore compliance with it is required in lieu of and shall supercede the Ordinance. However, Marist shall comply with the tree species requirements of the Ordinance, and will maintain and replace the trees as reflected on Exhibit B for up to two (2) years after planting.~~
8. The 25' State and additional 50' County stream buffers as measured from the point of wrested vegetation shall remain undisturbed with the exceptions of those areas previously disturbed and for the purposes of buffer restoration and the proposed perpendicular vehicular and pedestrian bridge crossings.
9. The design for the location, horizontal and vertical elevation/alignment of the proposed vehicular and pedestrian bridge ~~creek crossings~~ shall be in substantial conformance with Exhibit C. The design as shown on Exhibit C provides for minimal disturbance or impact and allows no adverse impacts to the flood zone elevations upstream or downstream.
10. During development and construction Marist shall not unlawfully impact State waters and shall observe and implement Best Management Practices and other rules required by the Georgia NPDES permit, the Georgia Stormwater and Erosion Control Act, and the Georgia Storm Water Quality Act. Marist shall obtain all federal, state and county permits necessary to complete the project and maintain those permits until completion thereof and approval by the relevant issuing authority prior to commencing any land disturbing activity. Marist shall submit its wetlands delineation report and floodplain demarcation report respectively to the US Army Corps of Engineers and FEMA.

11. During development and construction of the Cross Creek campus, Marist shall identify a twenty-four (24) hour emergency contact person who neighbors should contact in the event of any questions or concerns during that process. The initial identity of that person is Art Diaz, Director of Facilities, and contact information will be provided to the then-President of the Ashford Alliance or successor organization (sometimes referred to as the “community representative”) ten (10) days prior to the commencement of land disturbing activity. Should Marist designate anyone else to serve in this capacity, in advance Marist shall provide his/her name and contact information to the then-President of the Ashford Alliance or successor organization.
12. At least [ten (10)] days prior to commencement of land disturbing activity, Marist shall provide a courtesy set of its approved construction plans for the Close Creek portion of the campus to the community representative referenced in ¶ 11 above.
13. Outside construction activity shall occur as allowed by County Ordinance. Construction traffic shall be directed not to use West Nancy Creek Drive to access the school.
14. Unless otherwise required by DeKalb County, Colonial/Plantation Pipeline, Georgia Power, or telecommunications providers, Marist agrees that the existing dead end of Ashdun Court shall remain gated to prevent unauthorized vehicular or pedestrian access to the Cross Creek property from this existing stub street. Further, Marist shall replace the existing gate with a fence and gate one (1) at least six (6) feet high, for the width of the right of way.
15. Marist shall not unlawfully destroy or encroach upon jurisdictional wetlands during development or construction. The trail reflected on the Marist Site Plan attached as Exhibit A is conceptual in terms of its location, and shall be revised as necessary to avoid or comport to such impacts as regulated by Nationwide Permit Section 404. To the extent that grading occurs in any area designated as a 100-year floodplain, Marist shall be obligated to provide a sealed “no rise” certification as to the absence of any change to floodplain elevations at the completion of development and construction.
16. Marist will use pervious surfaces where feasible on any new parking areas created within the 100-year floodplain, except for the Private Drive aisles therein and the Private Drive which presently enters the Cross Creek property from Ashford Dunwoody Road.