

GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II
CITY MANAGER



SHAYLA REED
DIRECTOR
COMMUNITY DEVELOPMENT SERVICES

MEMORANDUM

TO: City of South Fulton Mayor and Council

FROM: Planning & Zoning Division

SUBJECT: **M18-006 for a Modification of Z00-0102 at Briar Creek (fka Legend Oaks Phase II)**

DATE: February 26, 2019

To consider a modification from 2 conditions identified in zoning case Z00-0102 (crawl space or basement and Fulton County Tributary Buffer requirements) at the Briar Creek subdivision (fka Legend Oaks Phase II) by Pulte Home Corporation.

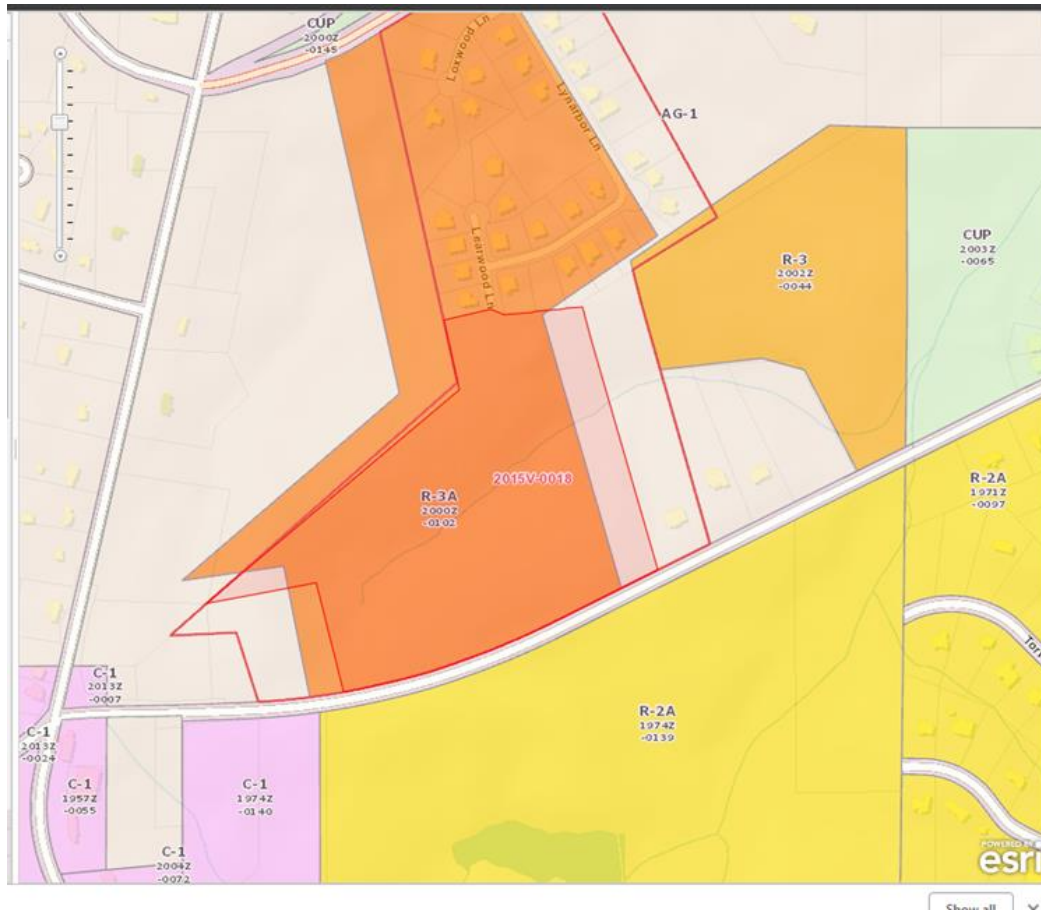
STAFF RECOMMENDATION: DEFERRAL

cc: Mark Massey, City Clerk

APPLICATION INFORMATION

Applicant Information:	Pulte Home Corporation c/o Brian Ehrsam 2475 Northwinds Parkway Suite 600 Alpharetta, GA 30009
Status of Applicant:	Property owner
City Council District(s):	2
Parcel ID Number:	14F0125 LLO477
Area of Property:	The property is composed of approximately 52.47 acres.
Current/Past Use of the Property:	The property is currently undeveloped.
Prior Zoning Cases/History:	Z00-102 Request to rezone from AG-1 (Agricultural District) to R-3A (Single-Family Dwelling District) – APPROVED WITH CONDITIONS ZM05-0051 , request to modify condition 1C to reduce lot size along Enon Rd and Butner Rd to 18,000 sq. ft; 2A to revise site plan; and 3G to allow houses to be constructed on slabs. – DENIED ZM05-0051 , request to revise site plan. – APPROVED ZM12-0002 , request to reduce the front yard setback from 50’ to 25’; Reduce the minimum setback for a new street adjacent to AG-1 and residentially zoned properties from 50 feet to 20 feet, and plant a 10-foot wide landscape strip planted along perimeter property line; provide 50’ natural, undisturbed buffer along Butner Rd; and provide a 25’ landscape strip along the east and west property lines. - APPROVED ZM14-0006 , request to modify 3G to allow a minimum 16” raised slab for lots 35 and 37. - DENIED
Surrounding Zoning:	<u>North</u> : R-3A (Single-Family Dwelling District) and AG-1 (Agricultural District) <u>South</u> : R-2A (Single-Family Dwelling District) <u>East</u> : AG-1 (Agricultural District) <u>West</u> : AG-1 (Agricultural District)
2035 Future Land Use Designation:	Agricultural, Forestry and Estate Residential, Residential 1 unit or less per acre, 1 to 2 Units per acre, Open space, Public, Semi-Public and Institutional.
Compatibility to the Fulton County 2035 Comprehensive Plan:	The proposed modification does not alter the use of the property.

Overlay District:	Cliftondale Overlay
Public Utilities:	Water service is provided to these sites by City of Atlanta. Sewer service is available to the site by Fulton County. Any extension of sewer service is the responsibility of the developer.
Public Services:	Police and fire services are available to the site by the City of South Fulton.
Transportation:	<u>Street:</u> Butner Road <u>Classification:</u> Primary Arterial Local Road <u>Public Transit:</u> MARTA is not available to this site <u>Bike/Pedestrian Access:</u> Sidewalks are available from the subject property to and along both Rivertown Road and Spoleto Loop. Bike lanes are not present.



CONDITION(S) TO BE MODIFIED:

Z00-0102 condition 3G states: “All houses shall be constructed with a crawl space or basement, and not a slab foundation.”

Zoo-0102 condition 3K states: “Comply with the requirements of the Fulton County Tributary Buffer Ordinance for South Fulton.”

PUBLIC PARTICIPATION

STAFF COMMENTS

Engineering:

1. Condition 3k should include text stating that Zoning Modification approval does not include approval of variance to the Stream Buffer Protection Ordinance;
2. Lots 1 and 41 on submitted site plan shall include 50ft undisturbed buffer along Butner Road (the submitted site plan does not show required buffer extending through Lots 1 and 41);
3. Provide 50ft wide buffer along the Legend Oaks Phase 1 boundary, undisturbed except for approved access and utility crossings and replanting where sparsely vegetated to meet buffer standards subject to City Arborist approval. Buffer may be part of individual lots;
4. Homes shall include fire suppression system subject to Fire Marshall approval unless secondary fire access is provided subject to City approval. All area required to encompass improvements necessary to provide City approved fire access shall be exterior of individual lots.

Environmental: The Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment by approving the modification to allow for the development of the proposed subdivision.

Public Works: N/A

Transportation: N/A

MARTA: N/A

Fulton County Schools: See attached report.

Fire: N/A

Legal: N/A

PLANNER’S RECOMMENDATION

The applicant has requested a **DEFERRAL** to the next meeting, to meet with citizens. Staff supports this request.

REVIEWED BY: Richard Hathcock

MAYOR & COUNCIL ACTION

Original hearing date: February 26, 2019