

# GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II  
CITY MANAGER



SHAYLA REED  
DIRECTOR  
COMMUNITY DEVELOPMENT &  
REGULATORY AFFAIRS

## MEMORANDUM

**TO:** City Planning Commission  
**FROM:** Planning & Zoning Division  
**SUBJECT:** **Z19-002 for 7195 Butner Rd. (Butner Estates)**  
**DATE:** September 24, 2019

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Applicant seeks to rezone from **AG-1 (Agricultural District)** to **CUP (Community Unit Plan District)**

**STAFF RECOMMENDATION: WITHDRAWAL**

cc: Diane White, City Clerk

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**APPLICATION INFORMATION**

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Applicant Information: Urveco Dos LLC  
Felipe Castellanos  
133 Johnson Ferry Road  
Suite 501  
Marietta, GA 30068

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Status of Applicant: Agent

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City Council District(s): 2

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Parcel ID Number: 14F0155 LL0579

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Area of Property: The property is composed of approximately 44.2 acres.

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Current/Past Use of the Property: The property currently has no development except rough roads in place.

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Prior Zoning Cases/History: The parcel is zoned AG-1 with no case associated with it.

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Surrounding Zoning: North:  
• AG-1 (Agricultural District)  
East:  
• AG-1 (Agricultural District)  
South:  
• CUP (Community Unit Plan District)  
West:  
• CUP (Community Unit Plan District)

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2035 Future Land Use Designation: Rural Neighborhood

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Compatibility with Fulton County The Comprehensive Plan's intent is to preserve the residential character of this area.

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Overlay District: Clifftondale Overlay

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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.

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Public Services: Police and Fire services are available to this site by City of South Fulton

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Transportation: Street: Butner Road  
Public Transit: MARTA is not available to the site.

Bike/Pedestrian Access: Sidewalks will be provided within the subdivision as well as the front of the subdivision.

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Parking Required: 2 car garages

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Topography/Drainage: The property is located along Butner Road does not display any drainage issues.

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## **STAFF COMMENTS**

Engineering: *If the City Council approves the petition, it is recommended to apply the following conditions: Any emergency services secondary access to development shall be within a publicly dedicated right of way connecting to a public right of way subject to Fire Marshall and City Engineer approval.*

*Improve Butner Road to provide a Left Turn Lane and Deceleration lane at proposed entrance, subject to approval of Traffic Engineer.*

### Additional Comments:

Petition site plan should be revised to delineate and label all state and local stream buffers within the site boundaries. As of 5-08-2019 base flow discharging to the ENE and wretched vegetation conditions exist establishing a stream buffer near the north west corner of the site. Stream buffer appears to extend eastward into site an undetermined distance. Revise proposed plan to accurately delineate and label stream buffer and to show a proposal that can feasibly comply with the Stream Buffer Ordinance.

Petition site plan should be revised to delineate and label Cliftondale Overlay District standard 50ft buffer and 10ft improvement setback along Butner Rd. Proposed lots shall not include the buffer and improvement setback.

Establishment of buffers around one or more perimeters should be considered, although a buffer along western perimeter is not feasible due to presence of power easement.

2019-5-08 site visit: at north end of site conditions establishing a stream buffer are noted. Normal flow of water and wretched vegetation noted. Feature flows ENE leaving site near where site plan dated 12-11-2018 submitted by applicant bears label "Detention Pond". Upstream extents of feature not determined during site visit due to density of vegetation along feature.

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Arborist: None

Environmental:

### Public works: COMMENTS ON 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 a final finding by the commenter. All projects, if approved, are required to complete the City of South Fulton Plan Review process prior to the commencement of any construction activity.**

#### **WATER AND WASTEWATER (SEWER):**

##### **WATER:**

Anticipated water demand: 270 gallons per day (gpd) per residential lot x 81 lots= **21,870** gallons per day (gpd).

This project is within the City of Atlanta water jurisdiction.

**SEWER:**

Basin: Deep (Camp) Creek

Treatment Plant: Camp Creek (Fulton County Government) Anticipated sewer demand:

**19,683** gallons per day

There are two sanitary sewer manhole northeast of the northeast property corner of the 44.261 acre tract (7195 Butner Road) (Sewer manholes# SMDC0237600 and# SMDC0237610) located in in Land Lots **154, 157**, District **14FF** and there is a sanitary sewer manhole approximately 375 feet west of the western property line of the 44.261 acre tract (7195 Butner Road) (Sewer manhole# SMDC0237010) located in in Land Lot **156**, District 14FF all along an 8 inch sewer line that can service this project. It will be the developer's responsibility to run to sewer line from the existing Fulton County Government sanitary sewer manhole to the proposed project as well as acquiring any needed sewer easements (minimum width of 20 feet) if needed. This is a distance from the existing manhole to the developer's location. The developer may also be asked to run a 20-foot-wide sewer easement and 8-inch sewer line up to an adjacent property so Fulton County Government can provide sanitary sewer service to upstream users in the future per the Fulton County Sanitary Sewer Regulations.

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.

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Transportation: None

MARTA: None

Fulton County Schools: None

Fire: The requirement would be two or more egress access roads for lots greater than 29. All access must adhere to specifications for emergency access in appendix D of ifc 2012, and all hydrants must have a fire flow and the results submitted to fire marshal office.

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Legal: None

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## PUBLIC PARTICIPATION

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### ZONING IMPACT ANALYSIS

**1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

It is Staff's opinion that the proposed use will not adversely affect adjacent and nearby uses if developed.

**2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

The proposed residential use will not adversely affect the surrounding properties as most nearby parcels are similarly zoned residential.

**3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;**

The existing site is zoned AG-1 which has a minimum lot size of 1 acre. This would limit the use to approximately half the lots proposed by the applicant. The proposed zoning of CUP proposal expands the economic possibilities of the site.

**4. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;**

The proposed use for the subject site will not cause excessive burden on the existing streets, transportation facilities, utilities, or schools.

**5. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;**

The 2035 Comprehensive Plan's Future Land Use Map designates the area as Rural Neighborhood. The proposed development is conducive to such designation.

**6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; and**

The subject property which is currently zoned AG-1.

**7. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of City of South Fulton.**

The Environmental Site Assessment submitted by the applicant confirms that there are no adverse environmental effects projected by the site's proposed development.

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**PLANNER'S RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of the request to rezone the property from AG-1 (Agricultural District) to CUP (Community Unit Plan).

**CONDITIONS:**

1. Provide a staggered setback of all dwelling facades. Staggered setbacks shall be determined by the placement of the dwellings on either side of the dwelling in question. Said setback shall provide a minimum 3-foot variation for single family detached dwellings as measured from the back of curb.
2. The front exterior facade of all homes shall be brick, stone, or other masonry materials (or some combination of these materials). The remaining exterior

sides must be, Hardi-Board, clapboards, cedar shakes or shingles, or some combination of these materials. Vinyl or aluminum siding is prohibited. There shall be no exposed foundations.

3. The minimum design standards are:
  - Minimum lot width at building line: 60 feet\*
  - Minimum front yard: 20 feet
  - Minimum side corner yard: 15 feet
  - Minimum side yard: 7 feet
  - Minimum rear yard: 25 feet
  - Minimum building separation: 14 feet

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## **PLANNING COMMISSION RECOMMENDATION : DENIAL OF PETITION REQUEST**

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### **PLANNER'S RECOMMENDATION**

The applicant has proposed to make changes to the site plans to address the community's comments. The applicant has recently disclosed to staff their intent to purchase additional property north of the subject property to combine and provide additional homes. The applicant submitted to staff a conceptual site plan on August 9, 2019 depicting the overview of the design layout once the purchased property is combined. The initial intent of 81 homes has increased to 183 homes, adding two additional entrances. The applicant has requested three deferrals since the submittal of this zoning petition. It is staff's opinion the applicant has shown consistent unreadiness. Staff recommends **WITHDRAWAL** of the request to rezone the property from AG-1 (Agricultural District) to CUP (Community Unit Plan). The hearing date will be August 20, 2019 for the Planning Commission and September 24, 2019 for Mayor and Council.

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### **PREPARED BY:**

Dana Gray, Planner II

### **REVIEWED BY:**

Keedra Jackson, Senior Planner

Shayla Reed, Director







May 9, 2019

Dana Gray  
Planner II  
Community Development Services  
City of South Fulton  
5440 Fulton Industrial Boulevard S.W., Suite A  
Atlanta, GA 30336-0308

**RE: Zoning Comments for May 2019 (Z19-002)**

Dear Mr. Gray:

The following are comments by the Environmental Health Services (EHS) Division and the Environmental Justice (EJ) Program of the Fulton County Board of Health. These comments are in reference to the zoning case which was previously received from your office.

CASE NO.	ZONING COMMENTS
Z19-002	<p><b><u>EHS Comments</u></b></p> <ul style="list-style-type: none"> <li>• Prior to the approval of any plat by the appropriate jurisdiction, the Environmental Health Services Division of the Fulton County Board of Health shall review and approve the plat regarding water supply and sewage disposal. No person may sell, offer for sale, lease, begin construction or otherwise begin the physical improvement of an exemption plat development, nor shall a building permit be issued in any form until all requirements set forth by the Fulton County Board of Health have been met.</li> <li>• The Fulton County Board of Health will require that the owner/developer connect the proposed development to public water and public sanitary sewer which are available to the site.</li> </ul> <p><b><u>General Public Health and EJ Comments</u></b></p> <ul style="list-style-type: none"> <li>• Since this development is for residential use, the Fulton County Board of Health does not anticipate any adverse health impacts as a result of</li> </ul>

