

STATEMENT OF INTENT

And

Other Material Required by
City of South Fulton, Georgia Zoning Ordinance
For

Zoning Modification Application pursuant to
the City of South Fulton Zoning Ordinance

Of

Landlife, LLC f/k/a Hybrass Overlook,, LLC

For

2006Z 0042 SFC
M19-001

Regarding 57.39 acres of land zone CUP
being

Fulton County, Georgia Tax Parcels
14F-0069-LL-0145 (Portion)
14F-0069-LL-0103
14F-0069-LL-0137
14F-0069-LL-0129

Submitted for Applicant by:

Michèle L. Battle
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30030
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

I. STATEMENT OF INTENT

On August 2, 2006, the Fulton County Board of Commissioner approved the rezoning of two parcels of land having frontage on Butler Road and Camp Creek Parkway and being an aggregate acreage of +/-99.98 acres (the “Master CUP Property”) from AG-1 to CUP for the development of a 255-unit residential subdivision pursuant to Rezoning Case No. 2006Z 0042 SFC and 2006VC-0061 SFC. Subsequent to the approval of the CUP, the Subject Property was foreclosed upon prior to the development of the Master CUP Property. Hybrass Overlook, LLC now known as Landlife, LLC (the “Applicant”), acquired the Subject Property during the Summer of 2017. On September 24, 2019, the Applicant obtained a modification of the then applicable conditions, which included condition 13 that applied to both Phases I and II which states the following:

13. The community shall be gated, and all internal streets shall be installed per the City of South Fulton Subdivision Regulations and privately maintained by the homeowner’s association.

Phase I of the Master CUP Property is now under construction, and the Applicant is in the process of developing Phase II being the 57.39 acre tract (the “Subject Property”) which is the subject of this Application. In connection with the development of the Subject Property, the Applicant is seeking to delete condition 13 in its entirety.

II. BASIS FOR REQUESTED MODIFICATION

It is the Applicant’s position that the gate requirement was only intended for Phase I in order to reduce guests visiting the Camp Creek Village commercial uses from park within the single-family detached portion of Camp Creek Village. Phase II is located to the rear of the existing Bedford Estate, which was developed by Century Communities. Century Communities is seeking to acquire Phase II to extend Bedford Estates. Bedford Estates is not gated, and therefore, the Applicant is seeking to remove the gate requirement from Phase II. Additionally, public safety requires a secondary entrance for gated communities, and there is no frontage other than on Albany Way which would only allow one point of entry. The development standards are set forth on the submitted site plan and are consistent with what was approved with the modification on September 24, 2019.

Based upon the foregoing, the Applicant is hereby requesting the approval of the Modifications set forth above.

III. NOTICE OF PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the City of South Fulton Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the City of South Fulton Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the City of South Fulton City Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of South Fulton City Council to rezone the Subject Property to the classification as requested or issue the special land use permit requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property or granting of a special land use permit subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

CUP CONDITIONS (PHASE 1 & 2):

THE MINIMUM LOT SIZE AND MINIMUM HEATED FLOOR AREA SHALL BE AS FOLLOWS:

- NO MORE THAN 155 LOTS AT OR BETWEEN 7,001 SQUARE FEET AND 9,000 SQUARE FEET WITH A MINIMUM HEATED FLOOR AREA OF 2,000 SQUARE FEET.
- NO LESS THAN 68 LOTS AT A MINIMUM OF 9,001 SQUARE FEET WITH A MINIMUM HEATED FLOOR AREA OF 2,400 SQUARE FEET.

THE MINIMUM DESIGN STANDARDS ARE:

- 1) MINIMUM LOT WIDTH 65 FEET
- 2) MINIMUM FRONT YARD SETBACK 20 FEET
- 3) MINIMUM SIDE CORNER SETBACK 25 FEET WITH SIDE ENTRY GARAGE AND 15 FEET WITHOUT SIDE ENTRY GARAGE
- 4) MINIMUM SIDE YARD SETBACK 7.5 FEET
- 5) MINIMUM REAR YARD SETBACK 30 FEET
- 6) MINIMUM BUILDING SEPARATION 15 FEET

R-4 CONDITIONS:

THE MINIMUM HEATED FLOOR AREA SHALL BE AS FOLLOWS:

- 1,000 S.F. ON GROUND LEVEL FOR LESS THAN TWO STORY
- 1,100 S.F. FOR TWO STORY OR MORE THAN TWO STORY WITH 800 S.F. ON GROUND FLOOR

THE MINIMUM DESIGN STANDARDS ARE:

- 1) MINIMUM FRONT YARD SETBACK 35 FEET
- 2) MINIMUM SIDE YARD SETBACK 7 FEET ADJACENT TO INTERIOR LINE; 20 FEET ADJACENT TO STREET
- 3) MINIMUM REAR YARD SETBACK 25 FEET
- 4) MINIMUM LOT AREA 9,000 SQUARE FEET
- 5) MINIMUM LOT WIDTH 70 FEET
- 6) MINIMUM LOT FRONTAGE 35 FEET ADJOINING A STREET

NOTES:

ALL STREETS SHALL BE PAVED TO MEET OR EXCEED MAJOR STREET PAVING SECTION SHOWN WITHIN FULTON COUNTY STANDARD DETAIL 302 (EXCEPT FOR A PORTION OF SPRUCE WAY AND ALL OF HOLLY GRAPE DRIVE, WHICH SHALL MEET OR EXCEED MINOR STREET PAVING SECTION)

CITY OF SOUTH FULTON ENGINEERING NOTES:

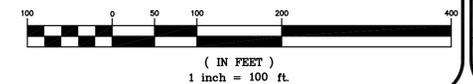
- 1. PRIOR TO FINAL PLAT APPROVAL, PROPOSED LOT CONFIGURATION WILL BE REVISED TO CONFORM TO APPLICABLE STANDARDS AS REQUIRED.

PROPOSED RETAINING WALLS REQUIRE A SEPARATE RETAINING WALL PERMIT. RETAINING WALLS SHALL BE FACED WITH STONE, BRICK, OR DECORATIVE CONCRETE MODULAR BLOCK.

LEGEND

- CALCULATED POINT
- IRON PIN FOUND
- IRON PIN PLACED (1/2" REBAR)
- R/W MONUMENT
- P/L PROPERTY LINE
- R/W RIGHT OF WAY
- N/F NOW OR FORMERLY
- B/L BUILDING LINE
- OTP OPEN TOP PIPE
- EX DOUBLE WING CATCH BASIN
- EX HEADWALL
- EX JUNCTION BOX
- EX DROP INLET
- OMP CORRUGATED METAL PIPE
- RCP REINFORCED CONCRETE PIPE
- BOUNDARY LINE
- FENCE
- GAS LINE
- UNDERGROUND POWER LINE
- OVERHEAD POWER LINE
- SS-SS EX. SANITARY SEWER LINE
- EX. STORM DRAIN LINE
- EX. WATER LINE
- PROPOSED STORM PIPE
- PROPOSED SS PIPE
- PROPOSED DOMESTIC WATER LINE
- DRAINAGE EASEMENT
- SANITARY SEWER EASEMENT
- BUILDING LINE
- PROPOSED CONTOUR
- S&O EX. CONTOUR
- R/W PROPOSED R/W
- PROPOSED CURB AND GUTTER
- EX WATER METER
- EX WATER VALVE
- EX FIRE HYDRANT
- EX S.S. MANHOLE
- EX CLEANOUT
- EX LIGHT POLE
- EX GAS VALVE
- EX POWER POLE
- EX GUY ANCHOR
- EX BOLLARD
- EX FIBER OPTIC MARKER
- PROPOSED FIRE HYDRANT ASSEMBLY

GRAPHIC SCALE



REVISION	DATE	NO.	CITY OF ATLANTA COMMENTS
	1/20/20	4	CITY OF ATLANTA COMMENTS
	1/28/20	5	FULTON COUNTY COMMENTS
	3/17/20	6	FULTON COUNTY COMMENTS
	4/17/20	7	CITY OF SOUTH FUL COMMENTS
	8/19/20	8	CITY OF SOUTH FUL COMMENTS
	9/11/20	9	CITY OF ATLANTA COMMENTS

SITE PLAN OF
BEDFORD ESTATES PHASE 5
 FORMERLY: THE BLUFFS @ CAMP CREEK PHASE II
 FULTON COUNTY PROJECT NUMBER: 19S-018WR
 L.L. 68, 69 & 72 DISTRICT 14FF,
 FULTON COUNTY, GEORGIA

OWNER:
 LANDLIFE LLC
 988 EAST FREEWAY DRIVE,
 SUITE A
 CONYERS, GA. 30094

DEVELOPER:
 SAME AS ABOVE

24 HR. CONTACT:
 BILL GOODWIN
 770.652.6963



DATE: 1/15/19

DRAWN BY: JCN

CHECKED BY: HBR

JOB#: H17229

SP1

