



PLANNING & ZONING BOARD MEETING

**April 20, 2021 7:00 PM
TELECONFERENCE**

Call in Number:

404. 902. 5066

Call in Code:

326629

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF JANUARY 2021 MEETING MINUTES

PUBLIC HEARING:

Any member of the public may address the Planning and Zoning Board, during the time allotted for public hearing. Each attendee will be allowed 3 minutes. If your public comment contains a series of questions, please provide those questions to staff in writing on the Public Comment Card prior to the meeting. This will facilitate follow-up by the Board or Staff. The Planning and Zoning Board desires to allow an opportunity for public comment; however, the business of the Board must proceed in an orderly and timely manner.

D. NEW BUSINESS

1. **PUBLIC HEARING: Annexation request** from William Pulling and Taylor Pulling of parcel 18 119 08 023 located at 1145 Cleavemark Drive, Clarkston, GA 30021, into the city limits of Clarkston, GA to receive a conversion zoning of NR-1 Low Density Neighborhood Residential.

E. OTHER BUSINESS

F. ADJOURNMENT



ANNEXATION ANALYSIS

Report Prepared by: Shawanna N. Qawiy, MSCM, MPA
 Planning/Economic & Development Director

Applicant: William Pulling/ Taylor Pulling

Location: 1145 Cleavemark Road

Request: Annexation request

Parcel ID(s): 18 119 08 023

Proposed Use

/Purpose:

Current Land Use: Single Family home/Vacant

Sign Posted: **March 27, 2021**

Planning & Zoning Meeting: **April 20th, 2021**

City Council Meeting: **May 4, 2021**

Lot Size: 2.114 acres

Road Access: Cleavemark Road

Public Utilities:

Water and Wastewater Treatment – Public water service is available.

Zoning Overview: The property owner’s request is to annex into the City of Clarkston to have the entire parcel located in the City of Clarkston. A review of zoning files indicates that there have been no previous zoning or annexation requests regarding the subject property. **Table 1.0** illustrates the zoning and current land uses for the adjacent properties:

Table 1.0

| | Current Zoning | Current Land Use |
|-------|-------------------------|---------------------------|
| North | NR-CD City of Clarkston | English Oaks Apartments |
| East | R3- DeKalb County | Single Family Residential |
| South | NR-1 City of Clarkston | Single Family Residential |
| West | NR-1 City of Clarkston | Single Family Residential |

Future Land Use: Single Family Area: According to the Clarkston 2040 Comprehensive Plan future land use map, this area is currently designated as a Single-Family Area. The request is to continue the current land use and construct a single-family home.

Rezoning Review Criteria: Assessment of Application for Zoning Map Amendment
(Article III, Sec. 305):

When any request is made for a change in the zoning for any parcel of property, or when an amendment is requested to the zoning map, the following criteria points must be reviewed as follows;

Criteria Point 1: The effect upon the health, safety, morals or general welfare of the public compared to any hardship imposed upon the individual property owner seeking rezoning should rezoning be denied;

The proposed use does not impact the general welfare of the public. It does follow the vision as described in the Clarkston 2040 Comprehensive Plan by receiving a conversion zoning of NR-1-Low Density residential which permits single family residential homes.

Criteria Points 2 and 3: Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The current land use is permitted for single family homes both historic as well as new developments. The annexation request and conversion zoning of NR-1 will permit a use that is suitable in view of the uses and development of adjacent and nearby property properties.

Criteria Point 4: Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The property is currently zoned R-3 DeKalb County, which will receive a conversion zoning of NR-1 with the approval of the annexation request. By the property owner's admission, it is reasonable to determine that the economic use, when the final recommendation has been made on the annexation request, the land use will be used for a single-family home. This request is consistent with the Future Land Use Map, which designates this area as a single-family area in the City of Clarkston.

Criteria Point 5: Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Schools: The school impact from the proposed project is negligible.

Streets and Transportation Facilities:

The nature of the proposed use will not create significant high volumes of vehicular traffic along Cleavemark Drive. No major upgrades to the onsite and offsite road network will be necessary in order to provide improved access or the ability to handle the expected traffic volume.

Utilities and Environment:

The applicant would be required to follow all best management practices (BMPs) for land disturbance and pertaining to storm water runoff and erosion/sedimentation control on the parcel.

Public Safety:

There will not be a significant impact to public safety based on the annexation and conversion zoning.

Criteria Point 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.

The applicant is requesting to construct a single-family home that is a permitted use in the NR-1 zoning district. Current plans are to keep many of the trees located on the property. This is supporting grounds to approve the annexation and conversion zoning of NR-1 in the City of Clarkston.

Criteria Points 7 and 8: Whether the zoning proposal is compatible with the principals of the city's long range plan as set forth in the Conceptual Master Land Use and Connectivity Plan for the City of Clarkston, a part of the Clarkston Livable Centers Initiative Study as adopted in March 2005, adopted as the city's comprehensive plan; Whether the zoning proposal is compatible with the most current adopted version of the Future Development Map of the Clarkston Comprehensive Plan

The subject property is located in an area identified as a Single-Family Area on the Future Land Use Map in the Clarkston 2040 Comprehensive Plan adopted in 2016. The proposed annexation associated with the conversion zoning request aligns with the uses permitted within the NR-1 Low Density Residential zoning classification.

Recommendation:

Staff recommends **approval** of the annexation request with a conversion zoning of NR-1 and to amend all maps to reflect the annexation and conversion zoning. All plans are required to be reviewed by the City of Clarkston and other applicable departments in DeKalb County before the issuance of any pertinent permits to construct the single-family dwelling.



City Council
Beverly H. Burks, Mayor
Awet Eyasu, Vice-Mayor
Jamie Carroll *Ahmed Hassan*
Laura Hopkins *Debra Johnson*

City Manager Robin I. Gomez

December 8, 2020

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Michael Thurmond, CEO
DeKalb County
Maloof Building
1300 Commerce Drive
Decatur, GA 30030

**Re: Application for Annexation into City of Clarkston submitted by
William Pulling and Taylor Pulling
1145 Cleavemark Drive, Clarkston, GA 30031**

Dear Chief Executive Officer Thurmond:

This letter is offered pursuant to O.C.G.A. § 36-36-6 and 36-36-111 to inform the governing authority of DeKalb County that the City of Clarkston has received an application for annexation from William Pulling and Taylor Pulling. The application applies to the property that is partially located in the City of Clarkston and partially located in unincorporated DeKalb County known as **1145 Cleavemark Drive, Clarkston GA, 30021-Tax Map Parcel ID # 18 119 08 023**.

If the above-referenced application is accepted for annexation into the City of Clarkston, the City contemplates zoning the property as NR-1 Low Density Neighborhood Residential.

Please find enclosed for your review a complete copy of the Application for Annexation including a detailed legal description of the property.

Please feel free to contact me directly if you have any questions about this application.

Very truly yours,

Robin I. Gomez, City Manager
City of Clarkston

Enclosures

cc: City Attorney (via email)
Planning/Economic and Development Director (via email)

1055 Rowland Street, Clarkston, Georgia 30021
Phone: 678-409-9683

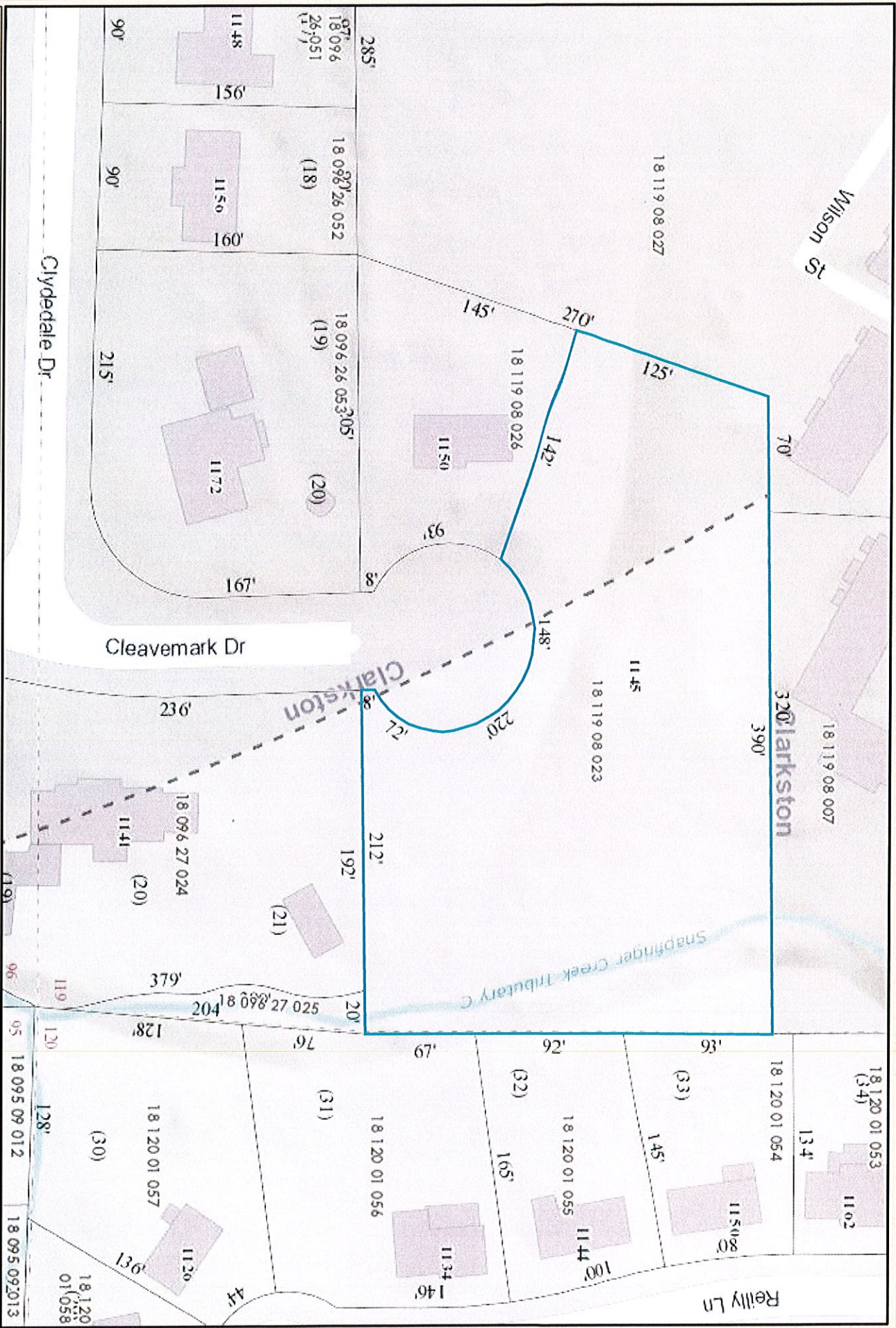
rgomez@cityofclarkston.com



1145 Cleavemark Drive



Date Printed: 12/8/2020



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1145 Cleavemark Drive 2



Date Printed: 12/8/2020



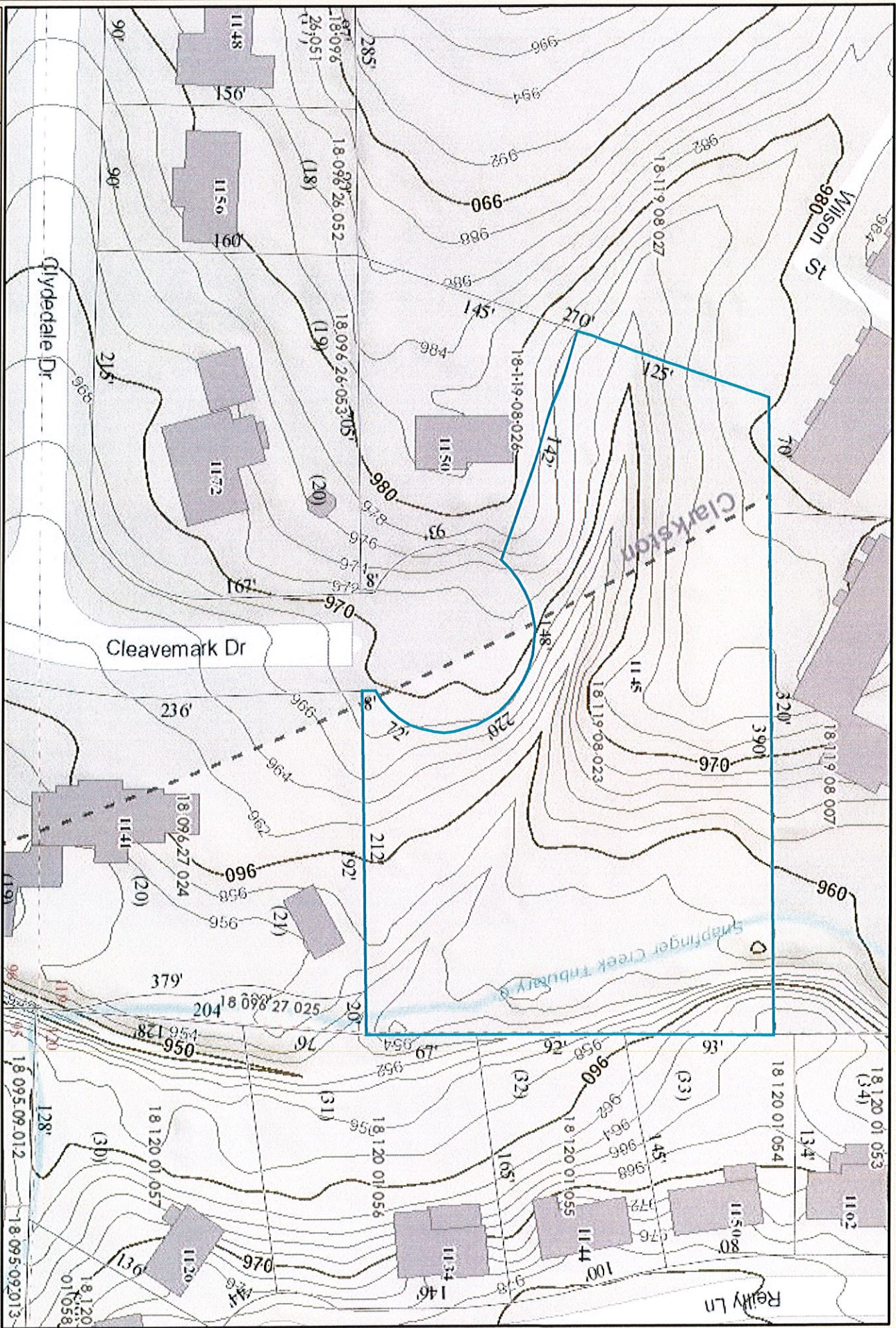
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1145 Cleavemark Drive 3



Date Printed: 12/8/2020



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**REQUEST FOR 100% ANNEXATION
CITY OF CLARKSTON**

December 02, 2020
Date

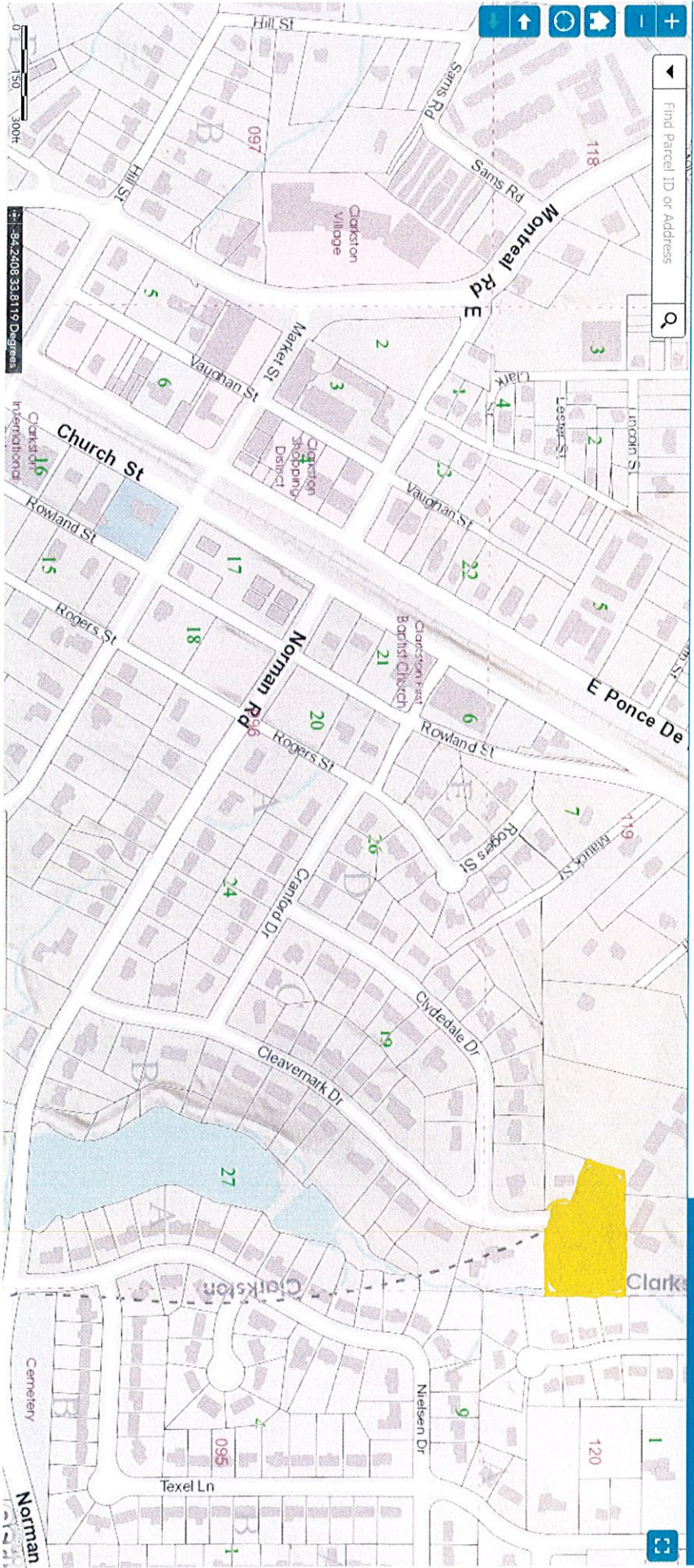
To the Mayor and City Council of the City of Clarkston, Georgia.

1. We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the Mayor and City Council annex this territory to the City of Clarkston Georgia, and extend the city boundaries to include the same.
2. The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. § 36-36-20) to the existing corporate limits of Clarkston, Georgia and the description of such territory is as follows:

Attach one (1) copy of a plat, one (1) copy of the most recent deed and one (1) copy of the complete legal description of the land to be annexed and one (1) copy of a small map of the general area of DeKalb County with the site located and highlighted.

Property Address: 1145 Cleveamark Drive, Clarkston, GA 30021
 Total Acreage: 2.114
 Parcel(s) Identification Number: 18 119 08 023
 Current Zoning: NR1 Proposed Zoning: NR1

| NAME OF PROPERTY OWNER | ADDRESS | SIGNATURE/DATE |
|------------------------|-------------------------------------|-------------------------------|
| 1. William Pulling | 2200 Wisteria Way, Atlanta GA 30317 | <i>[Signature]</i> 12-01-2020 |
| 2. Taylor Pulling | 2200 Wisteria Way, Atlanta GA 30317 | <i>[Signature]</i> 12-01-2020 |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |



LIMITED WARRANTY DEED

THIS INDENTURE, made on 21st day of December, 2018, between

Shelley Brock

(hereinafter referred to as "Grantor") and

William C. Pulling

(hereinafter referred to as "Grantee"), the words "Grantor" and "Grantee" to include the heirs, executors, legal representatives, successors and assigns of said parties where the context requires or permits; WITNESSETH:

AND VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee,

THAT Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD PARTICULARLY DESCRIBED AS FOLLOWS: Beginning at an iron pin located on the East line of Land Lot 119, 274.2 feet North of the Southeast corner of said Land Lot 119 at its common intersection with Land Lot 120; thence North along the East line of Land Lot 119, 183.5 feet to an iron pin; thence Westerly, forming an interior angle of 89 Degrees 22 Minutes with the preceding course, 390 feet to an iron pin; thence Southwesterly, forming an interior angle of 110 Degrees 38 Minutes with the preceding course, 270.3 feet to an iron pin; thence Easterly, forming an interior angle of 69 Degrees 22 Minutes with the preceding course, 289.2 feet to an iron pin; thence Northerly 8.3 feet to an iron pin; thence Easterly, Northeasterly and Northerly along the Western boundary of property now or formerly owned by W. K. Brock herein 72.1 feet to an iron pin; thence Easterly 185 feet to a point located on the East line of Land Lot 119 and the point of beginning.

TOGETHER WITH all and singular the rights, members and appurtenances thereto (hereinafter collectively referred to as the "Premises"), the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of Grantee.

Subject to all easements, rights of way, and restrictive covenants of record (hereinafter referred to as the "Exceptions"),

TO HAVE AND TO HOLD the Premises, subject to the Exceptions, to the only proper use, benefit and behoof of Grantee, forever, in FEE SIMPLE, and Grantor will, subject to the Exceptions, warrant and forever defend the right and title to the Premises unto Grantee against the claims of all person claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has executed this instrument under seal, as of the date first above written.

Signed, sealed and delivered
in the presence of:

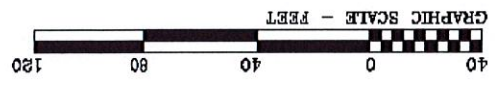
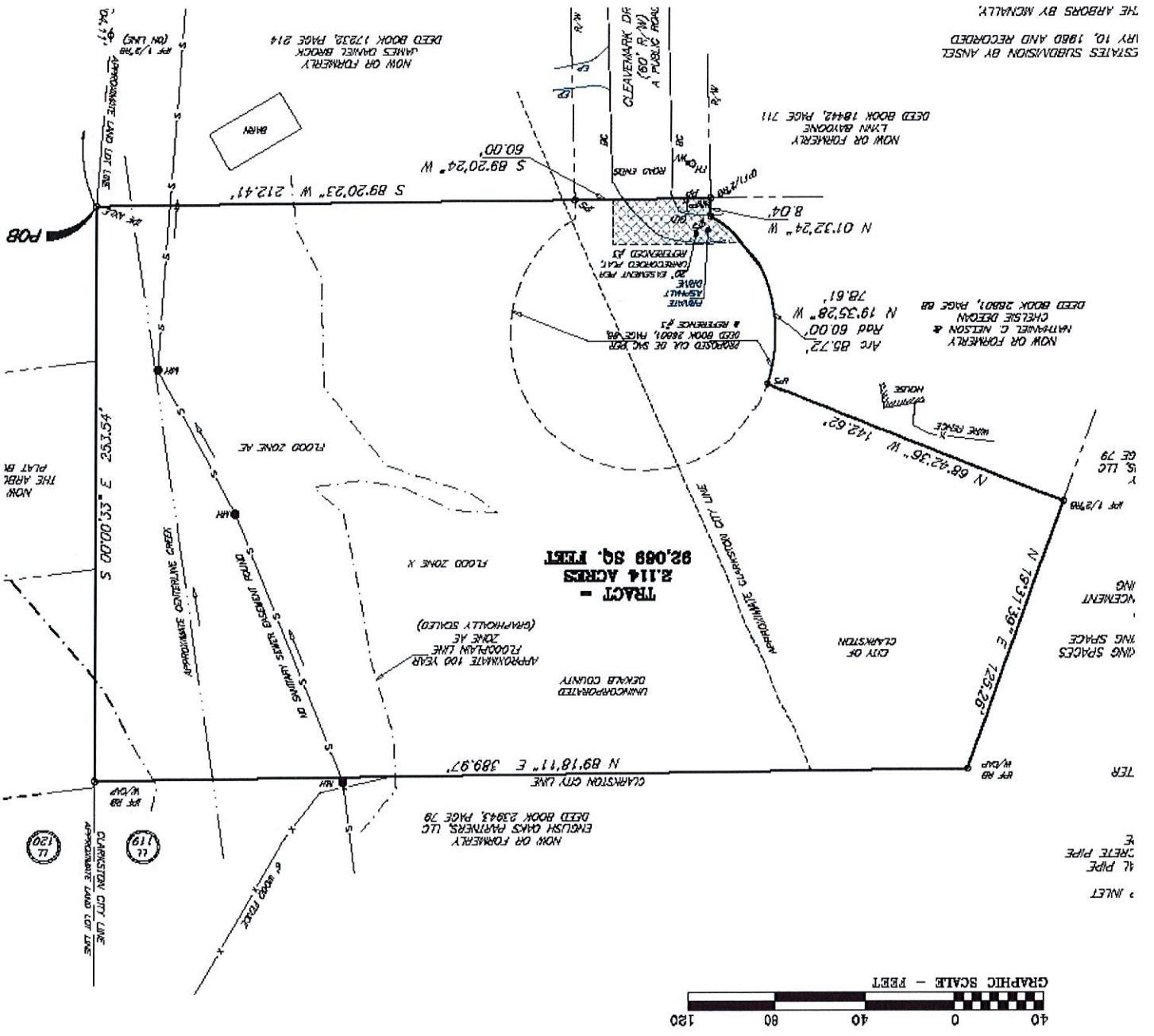
[Signature]
Unofficial Witness

[Signature]
Shelley Brock

Notary Public
Commission expires: 12/11/2020



THE ARBORS BY MONALLY,
MAY 10, 1980 AND RECORDED
STATES SUBDIVISION BY ANSEL



NOW OR FORMERLY
ENGLISH OAKS PARTNERS, LLC
DEED BOOK 23943, PAGE 79

UNINCORPORATED
DENVER COUNTY

APPROXIMATE 100 YEAR
FLOODPLAIN LINE
ZONE A-E
(GRAPHICALLY SCALED)

FLOOD ZONE X

TRACT -
2.14 ACRES
82,068 SQ. FEET

FLOOD ZONE A-E

APPROXIMATE CENTERLINE
DRAINAGE

PROPOSED CURB & GUTTER
REFERENCE #1
PRIVATE
ASPHALT
DRIVE
APPROXIMATE 20' EASEMENT PER
UNRECORDED PLAT
INTERFERED #3

NOW OR FORMERLY
LYNN SANDONE
DEED BOOK 18442, PAGE 711

NOW OR FORMERLY
JAMES DANIEL BROOK
DEED BOOK 17832, PAGE 214

CLEARWAY OR
(60' R/W)
A PUBLIC ROAD

ROAD ENDS

APPROXIMATE LAND LOT LINE

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CERTIFIED MAIL AND ELECTRONIC MAIL (rgomez@cityofclarkston.com)

February 22, 2021

Robin Gomez
City Manager
City of Clarkston
1055 Rowland Street
Clarkston, Georgia 30021

Dear Mr. Gomez:

We are in receipt of your December 8, 2020 letter regarding the proposed annexation of property located at 1145 Cleavemark Drive. The GIS Department will update the county's maps and records once we receive a copy of the approval from the City of Clarkston.

We have reviewed the property to be annexed and determined that no county facilities are located at the above address.

With regard to easements and drainage, DeKalb County hereby reserves for itself, its successors and assigns any and all existing water and sewer easements upon, over, across and under the above mentioned annexed property and an easement upon, over, cross and under the above mentioned annexed property for the collection, direction, concentration, discharge, ponding or retention of rain waters, surface waters or other waters from roads, street, alleys, parks, lots, ditches, culverts, drains, lake, rivers, streams, pond and properties of DeKalb County, Georgia or properties devoted to a public use.

The GIS Department is responsible for processing annexations. GIS will receive the notification of annexation in a more expeditious manner if you would please copy this office on annexation notices. If you have any questions, you may contact me at 404.371.3619 or via email at scgear@dekalbcountyga.gov.

Sincerely,



Stacy Gear
Director

cc: Michael Thurmond, CEO
Zachary Williams, COO
Andrew Baker, Director of Planning & Sustainability



City Council
Beverly H. Burks, Mayor
Awet Eyasu, Vice-Mayor
Jamie Carroll *Ahmed Hassan*
Laura Hopkins *Debra Johnson*

City Manager Robin I. Gomez

December 8, 2020

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Michael Thurmond, CEO
DeKalb County
Maloof Building
1300 Commerce Drive
Decatur, GA 30030

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William Pulling and Taylor Pulling
1145 Cleavemark Drive, Clarkston, GA 30031**

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If the above-referenced application is accepted for annexation into the City of Clarkston, the City contemplates zoning the property as NR-1 Low Density Neighborhood Residential.

Please find enclosed for your review a complete copy of the Application for Annexation including a detailed legal description of the property.

Please feel free to contact me directly if you have any questions about this application.

Very truly yours,

Robin I. Gomez, City Manager
City of Clarkston

Enclosures

cc: City Attorney (via email)
Planning/Economic and Development Director (via email)

1055 Rowland Street, Clarkston, Georgia 30021
Phone: 678-409-9683

rgomez@cityofclarkston.com

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX CERTAIN PROPERTY INTO THE CITY OF CLARKSTON.

WHEREAS, the City of Clarkston has received an application from the owners of certain property known as 1145 Cleavemark Drive, Clarkston, GA 30021 (DeKalb County Tax Parcel ID # 18-119-08-023) seeking annexation of such property into the City; and

WHEREAS, the City is authorized by O.C.G.A. § 36-36-21 to annex contiguous property upon application of 100% of the owners of such property; and

WHEREAS, the City Council has determined that annexation of the subject property is in the best interest of the City.

NOW THEREFORE, BE IT ORDAINED by the City of Clarkston that the property known as 1145 Cleavemark Drive, Clarkston, GA 30021 (tax parcel # 18-119-08-023) is hereby annexed into the City of Clarkston, effective June 1, 2021.

BE IT FURTHER ORDAINED that the official City boundaries shall be amended to reflect said annexation.

SO ORDAINED, this 4th day of May 2021.

ATTEST:

**CITY COUNCIL,
CITY OF CLARKSTON, GEORGIA**

By _____
Tracy Ashby, City Clerk

Beverly Burks, Mayor

Approved as to Form:

Stephen G. Quinn, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE BY THE CITY OF CLARKSTON TO ZONE CERTAIN PROPERTY
KNOWN AS 1145 CLEAVEMARK DRIVE, CLARKSTON, GA 30021**

WHEREAS, the Clarkston City Council has acted on the application of the owners of property known as 1145 Cleavemark Drive, Clarkston, GA and annexed such property into the City; and

WHEREAS, the City has complied with the Zoning Procedures required for annexed property by O.C.G.A. § 36-66-4(d).

NOW THEREFORE, BE IT ORDAINED by the City of Clarkston that the property known as 1145 Cleavemark Drive, Clarkston, Georgia 30021 is hereby zoned NR-1 Low Density Neighborhood Residential District by the City of Clarkston.

BE IT FURTHER ORDAINED that the official Clarkston Zoning Map be amended to reflect such zoning.

SO ORDAINED, this 4th day of May, 2021.

ATTEST:

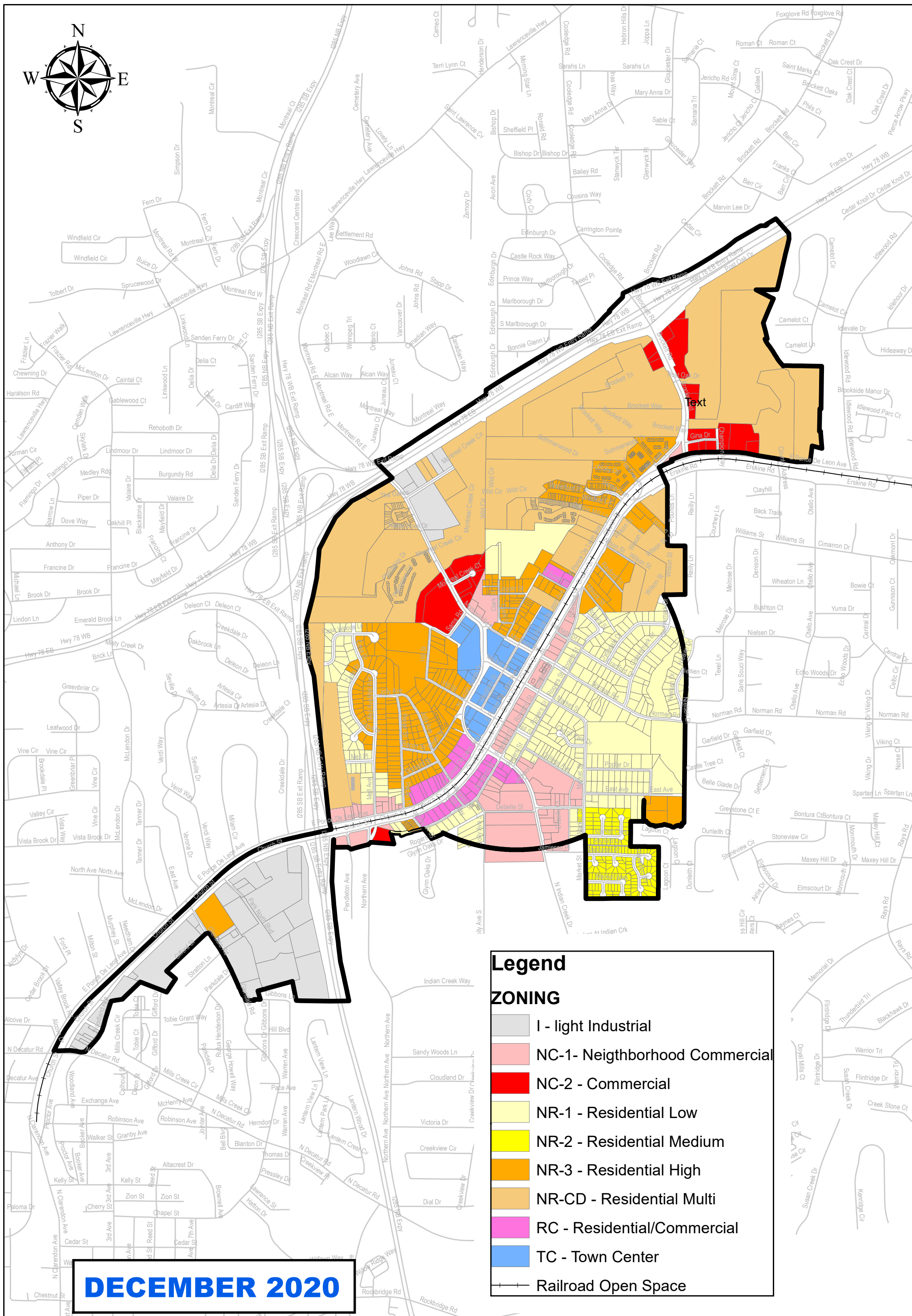
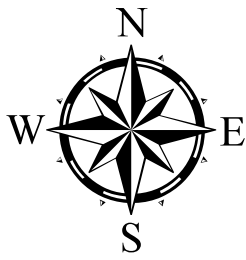
**CITY COUNCIL,
CITY OF CLARKSTON, GEORGIA**

By _____
Tracy Ashby, City Clerk

Beverly Burks, Mayor











Approved as to Form:

Stephen G. Quinn, City Attorney



Legend

ZONING

-  I - light Industrial
-  NC-1- Neighborhood Commercial
-  NC-2 - Commercial
-  NR-1 - Residential Low
-  NR-2 - Residential Medium
-  NR-3 - Residential High
-  NR-CD - Residential Multi
-  RC - Residential/Commercial
-  TC - Town Center
-  Railroad Open Space

FUTURE LAND USE //

Legend

- Mixed-Use
- Traditional Neighborhood Development
- Single Family Home Areas
- Industrial
- Parks/Open Space
- Clarkston City Limits

