

February 18, 2025, 7:00 PM
3921 Church Street

AGENDA

A. CALL TO ORDER

B. Roll Call

C. Approval of the Agenda

D. Meeting Minutes

1. December 17, 2024 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 (Staff) 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.

E. Old Business

1. Update on adding parks and green space to the Zoning Map.
2. Review and Discussion on bylaw updates and associated text amendments.

F. New Business

1. Text amendment to Sec. 403. – Use Table to allow conditional use application submittals for “Eating and drinking establishments, including drive-thru/drive-in establishments” in the NC-2 zoning district.
2. Variance request from Sec. 607. – Off-street parking requirements and Sec. 412(b)(3) – Accessory structures and uses, to accommodate a dumpster enclosure in the front yard at 3643 Market Street (18 096 05 004).
3. Discussion on Architectural Design Requirements and Guidelines.

G. Adjournment

DRAFT BYLAWS AND MEETING PROCEDURES

Pursuant to O.C.G.A. §36-66-5, the following rules have been adopted for the purpose of establishing procedures in connection with the conduct of the City of Clarkston Planning & Zoning Board.

Purpose

The purpose of these Bylaws is to guide the Planning & Zoning Board in fulfilling its duties as established by Chapter 15 of the City Code, in an orderly, efficient, and fair manner.

Article I. *Appointment and Terms*

Section 1. The planning and zoning board shall consist of five (5) members who shall be residents of the city appointed by the mayor and approved by the city council. Members shall be appointed to overlapping terms of four (4) years and shall serve until their successors are appointed and qualified. All members shall be people who hold no other public office in the municipality.

Section 2. The planning and zoning board may appoint such employees and staff as it may deem necessary for its work and may contract with the state planning commission, city planners and other consultants for such services as it may require. The expenditures of the planning and zoning board shall be limited to the amounts appropriated for such a purpose by the city council.

Article II. Duties and Responsibilities

Section 1. (a). The planning and zoning board shall advise the city clerk as needed concerning business license applications as set forth in chapter 11.

~~Section 2. The planning and zoning board shall review applications for sign permits as set forth in chapter 15.5.~~

Section 3. The planning and zoning board shall review applications for the subdivision of land as set forth in chapter 17.

Section 4. The planning and zoning board shall review applications for rezoning, variance, and other land use matters as set forth in appendix A.

Section 5. The planning and zoning board shall perform such other functions as required by the City Code.

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Section 2. *Filling vacancies; removal of members.* Any vacancy in membership in the planning and zoning board shall be filled for the unexpired term by a person or persons nominated by the mayor and approved by vote of the city council.

Section 3. *Compensation.* Each member of the planning and zoning board shall receive as compensation ~~fiftyten~~ dollars (\$~~510.00~~) per diem while engaged upon attendance at regular meetings of the commission. No compensation need be paid for attendance at called meetings.

Article III. Officers

The planning and zoning board shall elect its chairperson and a vice-chair~~person~~~~man~~ from among its members. The term of the chairperson and vice-chairperson shall be one (1) year with eligibility for re-election. Elections for officers shall be held in January of every year or the first meeting of a new calendar year. The commission shall appoint a secretary, who may be an officer or employee of the municipality.

~~Chair and Vice-Chair~~

Chair

The Chair shall have the same rights and privileges as the other Board members with respect to rights to make motions, debate, and vote.

(a) The Chair's duties during meetings shall include:

- Presiding over meetings
- Calling the meeting to order at the scheduled hour.
- Determining that a quorum is present.
- Preserving decorum and order at all meetings
- Making the other Board members aware of the substance of each motion
- Calling for the vote
- Announcing the results of each vote
- Calling for a recess at such times as deemed advisable.
- Managing public comment
- Other duties as prescribed in City of Clarkston Code of Ordinances

(b) The Chair may cancel regular meetings for cause, including ~~by way of example and not of limitation:~~ absence of a quorum, absence of an agenda, meeting date falls on a holiday, or an extraordinary number of regular and special meetings during the preceding 90 days. Notice of such cancellation should be given to the members at least 24 hours in advance, if possible. ~~No meeting may be cancelled if the Board has failed to meet during the preceding 60 days.~~ If a regular meeting is cancelled, that fact and the cause shall be set forth in the minutes of the Board. The Chair will coordinate with the Planning and Economic Development Director on any cancellation.



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Vice-Chair

The Vice-Chair shall be selected in accordance with Chapter 15, Sec. 15.3 of the Clarkston Code of Ordinances. The primary responsibility of the Vice-Chair is to perform the duties listed above in the absence of the Chairperson.

Secretary

The Secretary shall be selected in accordance with Chapter 15, Sec. 15.3 of the Clarkston Code of Ordinances. The Secretary shall cause a record to be made of each meeting which shall include, at a minimum, a record of all proceedings and actions of the board.

Absence of Chair and Vice-Chair

In the event that both the Chair and Vice-Chair are absent from a meeting, the appointed secretary or the Planning & Economic Development Director shall determine whether a quorum is present and if a quorum is present, shall call for the election of a temporary chair. The temporary chair shall preside over the meeting in its entirety, or until the conclusion of business immediately pending at the time the Chair or Vice-Chair arrives.

Article IV. Meetings

Regular Meetings

Meetings will be held the third Tuesday of each month beginning at 7:00 PM, or may be set in accordance with State Law, and may not begin prior to the prescribed time, of which the public has been notified.

Special Meetings

Special meetings may be called at any time by the Chairperson. Also, any two (2) Board members may request a special meeting through the Chairperson, in writing. In all cases, special meetings shall be limited to the stated purpose, which must be advertised in the appropriate manner pursuant to O.C.G.A. §36-66-4.

Emergency Declarations

During a period of emergency declared by State, Mayor, or City officials, or when extenuating circumstances exist as determined by the city leadership working with the Board Chair, Board members may be provided alternative methods of participating in the meeting either by telephone, electronically, or by other means of communication ("alternative methods of participation").

Article V. Quorum

A fully seated Board shall consist of five (5) members. A quorum of three (3) members shall be present at any regular or special meeting in order for business to be conducted.

If a quorum is not present fifteen (15) minutes following the scheduled hour for convening, the Chair, Vice-Chair, or the Planning & Economic Development Director may adjourn the meeting or by unanimous consent. ~~Those present may select another hour and day to convene.~~ The Secretary or Planning & Economic Development Director shall coordinate with the chairperson and the board to select another day and time to convene.



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If during the meeting there ceases to be a quorum, all business must stop except that the Board, by majority vote to be recorded in the minutes, may:

- Fix another day at which to reconvene.
- Adjourn and return at the next regular meeting; or
- Recess to determine whether a quorum will be present in a brief period.

Any Board member who fails to attend two (2) consecutive regular meetings without informing the Chair of their absence, or who fails to attend four (4) meetings in any twelve (12) month period, will be considered for removal from the Board.

Article VI. Minutes

All actions of the Board, except those taken during executive session meetings (per O.C.G.A. §50-14-3 and §50-14-4) shall be accurately recorded by the appointed secretary in the form of minutes, which shall include:

- All main motions, as worded when adopted (including amendments and stipulations)
- The name of the maker of a motion
- Disposition of all motions, whether:
 - Adopted/approved (with or without deletions, stipulations, or conditions)
 - Defeated/denied/rejected.
 - Referred to staff for further information.
 - Postponed/held until a definite time.
 - Continued
 - Withdrawn with/without prejudice.
 - Dismissed with/without prejudice.
- How each Board member voted

The responsibility for correcting and approving the minutes shall be vested only to the members of the Board and shall indicate their approval. The minutes may be corrected whenever an error is noticed, regardless of the time which has elapsed.

Article VII. Agenda

An agenda for each meeting will be established and prepared by the Planning & Economic Development Director to be available to the Board members in advance of the meeting date.

Agenda Items

~~Old Business Continued Cases — Are cases where public hearings were not conducted~~
~~Items being presented to the board after the initial public meeting~~ due to mutual consent by the applicants and opponents or due to reasons set forth within the Planning & Zoning Ordinance.

~~New Business~~ ~~Items being presented to the board in a public meeting for the first time.~~

~~These cases are voted on following a public hearing conducted in accordance with the procedures described in the Public Hearings subsection below.~~



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~~*Sign Permits*—In accordance with Chapter 15 (Sec. 15-5 (b)) of the City of Clarkston Code of Ordinances, the Board shall provide rulings on requests for sign permits. Items on this section of the agenda are open to public comment. However, they pertain to an administrative function that has been delegated to the Board by the Mayor and City Council. These items are not subject to the formal public hearing process mandated by State Law.~~

~~*Public Hearings*—These cases pertain to items that have been duly advertised in accordance with the State's Zoning Procedures law. Public Hearings conducted by the Board result in recommendations that are provided to the Mayor and City Council for final action at a subsequent public hearing.~~

Each case will be considered in the order assigned in the agenda, except when agreed upon by unanimous consensus or by majority 4/5-vote of the Board. State law requires applicants and opponents of cases to complete and file zoning disclosure forms, as applicable.

Representatives/applicants and representatives/opponents, as respective groups, shall each be given a maximum of ten (10) minutes to present its case, unless, by consensus, more time is allotted by the Board. The recording secretary shall be responsible for keeping time. Groups are encouraged to select a spokesperson to present their respective viewpoints. No additional public comment shall be allowed except responses to questions asked by members of the Board.

Voting on these ~~items~~cases shall occur as to each individual case immediately following the close of the respective public hearing and discussion by the Board.

~~*Deferred Items*~~Held Cases— These are ~~items~~ cases where public ~~meetings~~ hearings have already been held; however, a zoning decision has been ~~delayed~~ deferred due to the need for additional information or evaluation. The Planning and Zoning Board shall only be allowed to defer an item one time.

These cases will be voted on following the presentation and questions.

Non-Agenda Items – A matter that has been deemed by a member of the Board to require urgent attention, but has not been placed on the published agenda, can be recommended for consideration as a Non-agenda Item. Adequate information, including the specific topic, shall be given on such items. A majority 4/5-vote shall be required to add a non-agenda item; ~~Should only four (4) Board members be present; a unanimous vote shall be required.~~

Article VIII: Voting Session

~~All votes shall be taken by raised hand.~~ An affirmative vote of at least three (3) members of the Board shall be required to approve any motion, unless a greater number is required by these Bylaws or by law. If a motion has been voted on without discussion and a member of the Board feels that it is necessary to explain their vote, he/she may have a maximum of one (1) minute to provide a public explanation. This shall not be interpreted as an opportunity to repeat the discussion that has already taken place at the same meeting.



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A tie vote shall result in all procedural motions to be defeated.

No member of the Board who is present at any meeting at which an official decision, ruling or other official action is to be taken may abstain from voting on any decision, ruling or action, and a vote shall be recorded for each member of the Board present, except when, with respect to any individual member of the Board, there is or appears to be a possible conflict of interest. In such instances, a member may abstain, and, if doing so, shall explain his/her reason for abstaining.

Article IX. Public Participation in Meetings

Guests and visitors are welcome at all meetings of the Clarkston Planning & Zoning Board. Any individual or group desiring to appear before the Board shall be allowed to do so, subject to the following rules:

- All meetings shall be open to the public, subject to the provisions of the Georgia Open Meetings Act (O.C.G.A. § 50-14-1 et seq.).
- All remarks shall be related to the issue being discussed in the published meeting agenda. No person shall be allowed to make impertinent, derogatory, offensive, or slanderous remarks while addressing the Board.
- A person may be barred from further speaking before the Board in a particular meeting if their conduct is deemed to be “out of order” by the Chair.
- Once barred for improper conduct, that individual shall not be permitted to continue or address the Board in that meeting.
- In the event the speaker that is barred, fails to comply with the ruling, the Chair or Acting Chair may act, by requesting assistance from the police department for removal of the barred speaker from the meeting venue.

Article X. Procedure in Meetings

Motions

Prior to taking the vote, the Chair, or at his/her request, the recording secretary, shall state the motion/resolution or its substance.

Ranking Motions: These motions shall take precedence in order in which they are listed below:

- Adjourn
- Recess



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- Hold/continue until a time certain; Dismiss; Withdraw
- Refer to staff
- Amend
- Main motion

Main Motion: A main motion is a motion to decide an agenda item before the Board.

Assumed: A recommendation from staff, or another item published in the agenda for action, shall be managed as an Assumed Main Motion. For example, upon the conclusion of a report by staff, the Chair shall state “The question (or motion) before you are...” (stating the motion in the affirmative). No second is required for an Assumed Main Motion. Additionally, the Chair, in assuming such motion, is not presumed to be in favor of the motion and may speak against it if he/she desires.

Possible Main Motions are limited to:

- Adopt
- Amend and adopt with amendments/stipulations
- Defeat
- Refer back to staff
- Hold/continue until a certain time
- Withdraw with or without prejudice
- Dismiss with or without prejudice

Amend: If a member of the board feels that a pending motion may be more acceptable in a way other than the way presented, the Board member may move to amend the main motion through substitution, insertion of stipulations/conditions, striking out portions, or striking out and inserting portions. Such proposed amendments shall be managed in one of the following ways:

- By unanimous consent of the Board. The Chair, or another member of the Board via the Chair, may suggest changes or stipulations, and if there are no objections from the Board, the motion shall be amended by unanimous consent.
- Via a second discussion and a majority vote on the proposed amendment.

If a proposed amendment fails to obtain unanimous consent or a majority vote, or lacks a second, the main motion to be considered shall be the one originally stated/presented.

An amendment shall be related to the substance of the original motion and shall not introduce an independent question.

The following are descriptions of improper amendments to a motion:

- One that is not relevant or germane.
- One that would make the adoption of the amended motion equivalent to a rejection of the motion.
- One that is frivolous.

Refer: If members of the Board feel that adequate information has not been presented regarding a particular item, they may, via majority vote, refer the motion to staff for more information. A date shall be set for hearing the additional information. A motion for referral shall be debatable only as to whether the item shall be referred to staff and/or when staff



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shall report back. If the motion to refer fails, the motion to be considered shall be that motion that was on the floor prior to the motion for referral.

~~Defer~~~~Hold/Continue~~until a Time Certain: A motion to ~~hold or continue~~defer to a time certain may be used if a majority of the members of the Board feel that the motion before them should be considered at a more convenient time, or if the discussion shows that a final decision should be made at a later time or date. This motion shall be used if the members of the Board themselves feel that they may obtain the information that is needed or that the facts as presented are not adequate for their final vote. A second shall be required and discussion shall be limited to the reason for holding the item and/or the time to which it is to be held. If the motion to hold/continue fails, the motion to be considered shall be that motion that was on the floor prior to the motion to hold/continue.

Recess: A recess may be taken as it appears on the agenda or declared by the Chair when he/she deems it advisable or by a motion from a Board member. If the motion is made by a member, a second and an affirmative majority shall be required to recess.

Adjournment: The highest-ranking motion shall be the motion to adjourn, requiring a second and a majority vote with no discussion allowed, except that the motion shall contain time to hear any non-completed items on the agenda. If all business on the agenda has been completed, the Chair may assume the motion, and without a second, obtain unanimous consent to adjourn.

Article XI. Parliamentarian

The City Attorney, the Planning & Economic Development Director or an assigned designee shall serve as parliamentarian and shall advise and assist the Chair and the Board in matters of parliamentary procedure. A professional parliamentarian may be consulted as deemed necessary.

Article XII. Parliamentary Authority

The latest edition of ROBERTS' RULES OF ORDER NEWLY REVISED shall govern the City of Clarkston Planning & Zoning Board in all areas in which it is applicable and in which it is not inconsistent with these rules adopted by the Mayor and City Council or higher law.

Article XIII. Amendments

These rules may be amended by a four-fifths vote of the entire Board at a regular meeting of the City of Clarkston Planning & Zoning Board, provided notice has been given of the amendment(s) at the meeting prior to the vote on the amendment(s).

ARTICLEI. PLANNING

Sec. 15-1. Planning and zoning board—Established.

The city planning and zoning board is hereby created and established. Any reference in this Code, including appendix A regarding zoning, to the "planning and development commission" or the "zoning and review commission" shall henceforth be deemed to refer to the planning and zoning board hereby created.

(Ord. No. 355, § 1, 3-1-11)

Sec. 15-2. Same—Membership.

- (a) *Composition; appointment and terms.* The planning and zoning board shall consist of five (5) members who shall be residents of the city appointed by the mayor and approved by the city council. Members shall be appointed to overlapping terms of four (4) years and shall serve until their successors are appointed and qualified. All members shall be persons who hold no other public office in the municipality.
- (b) *Filling vacancies; removal of members.* Any vacancy in membership in the planning and zoning board shall be filled for the unexpired term by a person or persons nominated by the mayor and approved by vote of the city council.
- (c) *Compensation.* Each member of the planning and zoning board shall receive as compensation ~~fifty~~ten dollars (\$~~150~~0.00) per diem while engaged upon attendance at regular meetings of the commission. No compensation need be paid for attendance at called meetings.

(Ord. No. 355, § 1, 3-1-11)

Sec. 15-3. Same—Organization; rules of procedure; meetings; records.

The planning and zoning board shall elect its chairman and a vice-chairman from among its members. The term of the chairman shall be one (1) year with eligibility for re-election. The commission shall appoint a secretary, who may be an officer or employee of the municipality. The planning and zoning board shall make its own rules of procedure and determine its time of meeting; provided, such planning and zoning board shall meet at least once each month. All meetings of the planning and zoning board at which official action is taken shall be open to the public and all records of the planning and zoning board shall be public records.

(Ord. No. 355, § 1, 3-1-11)

Sec. 15-4. Same—Employees and staff; expenditures.

The planning and zoning board may appoint such employees and staff as it may deem necessary for its work and may contract with the state planning commission, city planners and other consultants for such services as it may require. The expenditures of the planning and zoning board shall be limited to the amounts appropriated for such purpose by the city council.

(Ord. No. 355, § 1, 3-1-11)

Sec. 15-5. Same—Powers and duties generally.

- (a) The planning and zoning board shall advise the city clerk as needed concerning business license applications as set forth in chapter 11;
- ~~(b) The planning and zoning board shall review applications for sign permits as set forth in chapter 15.5;~~
- ~~(eb)~~ The planning and zoning board shall review applications for the subdivision of land as set forth in chapter 17;
- ~~(ec)~~ The planning and zoning board shall review applications for rezoning, variance, and other land use matters as set forth in appendix A;
- ~~(ed)~~ The planning and zoning board shall perform such other functions as required by the City Code.

(Ord. No. 355, § 1, 3-1-11)

Secs. 15-6—15-9. Reserved.**Sec. 15-10. City planner—Designation.**

From time to time, the city council may deem it beneficial to the city to designate a qualified individual with expertise in the areas of zoning, land use, and planning as the "city planner" by resolution. The designated city planner shall review applications and prepare recommendations regarding zoning, subdivision, land disturbance, and other development technical reviews, and shall perform such other duties and responsibilities assigned to the city planner by this Code under the supervision of the city manager.

(Ord. No. 355, § 1, 3-1-11)

Secs. 15-11—15-30. Reserved.

STAFF ANALYSIS AND REPORT

To: City of Clarkston Planning & Zoning Board

From: Richard Edwards, AICP

Subject: Proposed Text Amendments to Sec. 403. – Use Table to allow conditional use application submittals for “Eating and drinking establishments, including drive-thru/drive-in establishments” in the NC-2 zoning district.

Date: January 21, 2025

Purpose:

The purpose of this staff report and analysis is to present the proposed text amendments to *Sec. 403. – Use Table* to allow for the submittal of Conditional Use Permit applications for “eating and drinking establishments, including drive-thru/drive-in establishments” in the NC-2 zoning district. The Planning Commission is requested to provide a recommendation at their public hearing on January 21, 2025, which will be forwarded to the City Council for further consideration at their public hearing scheduled for February 4, 2025.

Background:

The city updated the zoning code in June of 2023 and the new code does not allow “drive-thru/drive-in establishments” within any zoning district in the city. There are approximately 29 properties designated as NC-2 that would become eligible to apply for the Conditional Use Permit.

The Conditional Use Permit application has a \$500 application fee and has to be reviewed by the Planning Commission and City Council. The Planning Commission will take a vote to recommend approval or denial to City Council, who will ultimately make a decision on whether the use is appropriate or not.

Attachments:

1. Redlines of Sec. 403. – Use Table
2. Zoning Map

Table 4.1 Use Table

P: Permitted use
C: Conditional use subject to the conditional use permit application procedures specified in article II of this chapter
AP: Administratively approved use
Pa: Accessory use as regulated by article IV of this chapter.

NR-1**NR-2****NR-3****NC-1****NC-2****TC****I****R-OS****NR-CD****RC****Supplemental Standards****Residential**

Apartment childcare or tutoring

P**P****P****P****P**Sec. 404

Assisted Living

P**P**

Boarding or Rooming House, except halfway houses

C**C**

Dwelling, Accessory

P**P****P****P****P**Sec. 413

Dwelling, Duplex

P**P**

Dwelling, Multi-family

P**P****P****P****P**

Dwelling, Single-family detached

P**P****P****P****P**

Dwelling, Townhome

P**P****P**

Dwelling, Triplex

P**P**

Dwelling, Quadruplex			P								
Home Occupation	P	P	P								<u>Sec. 407</u>
Non-commercial horticulture and agriculture	P	P	P								<u>Sec. 408</u>
Non-commercial poultry	P	P	P								<u>Sec. 409</u>
Personal Care Home									C	C	
Planned Unit Developments											
Cottage Housing Developments		P ⁺	P ⁺						P ⁺	P ⁺	
Planned Commercial Development				P ⁺	P ⁺	P ⁺			P ⁺	P ⁺	
Planned Mixed-Use Development				P ⁺	P ⁺	P ⁺			P ⁺		
Planned Residential Development		P ⁺	P ⁺							P ⁺	
Commercial and Retail											
Adult entertainment or establishment							C				
Antique shop				P	P	P				P	
Apparel store				P	P	P					
Art store/gallery				P	P	P			P	P	
Banks and financial institutions				P	P	P				P	

Bed and breakfast inns			C			P				C	<u>Sec. 405</u>
Book and video store (non-adult oriented)				P	P	P				P	
Bottle shop/package store					C	P	P				
Bowling Alleys						P	P		C		
Camera shop				P	P	P			P		
Car washes					C		C				
Child day care, adult day care											<u>Sec. 406</u>
Dry cleaner (except drive thru)				P	P						
Eating and drinking establishment, excluding drive-thru/drive-in establishments				P	P	P	P		P	P	
Eating and drinking establishments, including drive-thru/drive-in establishments					C						
Electronics and appliance store						P					
Entertainment venues (non-adult oriented)							P				
Florist				P	P	P			P	P	
Funeral home (no on-site crematory services)							P				

Furniture and home furnishings						P					
Greenhouses and horticultural nurseries				P	P				P	P	

Grocery store						P					
Hookah/Vape Store											
Hospital							P				
Hotel						C					
Jewelry store				P	P	P			P	P	
Laundry, self-service				C	C		C				
Massage establishment							C				
Microbrewery				P	P	P	P		C		
Movie Theater (non-adult oriented)						P	P				
Non-automotive repair services (cameras, jewelry, shoes)				P	P	P	P				
Parking structure				Pa	Pa	Pa	Pa	Pa	Pa		
Personal service establishment (barber shop, hair salon, nail salon)				P	P	P			P	P	
Pet boarding/breeding kennel							P				
Pet grooming and supply shop				P	P	P					

Pharmacy or Drug store				P	P						
Recycling collection				Pa	Pa	Pa	Pa			Pa	
Recycling collection/drop off centers									Pa		

Research and experimental testing laboratories							C				
Retail, 2,500 - 5,000 s.f.					P	P			P	C	
Retail, 2,500 s.f. or less				P	P				P	P	
Retail, over 5,000 s.f.						P	P				
Shoe store				P	P	P					
Sporting goods store				P	P	P					
Tattoo parlor and piercing studio					P	P	P				
Title loan businesses, pawn shops							C				
Toy store				P	P	P					

Office, Institutional, and Cultural

Library, Public				C	C	C	C	C	C	C	
Pre-schools and similar establishments				P	P	P			P	P	
Office (Professional)				P	P	P	P			P	
Office (Medical)				P	P	P	P			P	

Office (Veterinary without boarding)				P	P	P	P			P	
Parks/Green Space	P	P	P	P	P	P	P	P	P	P	

Places of assembly, including religious institutions	C	C	C	C	C		P		C	C	<u>Sec. 411</u>
Tutoring Establishments			P	P	P	P			P	P	

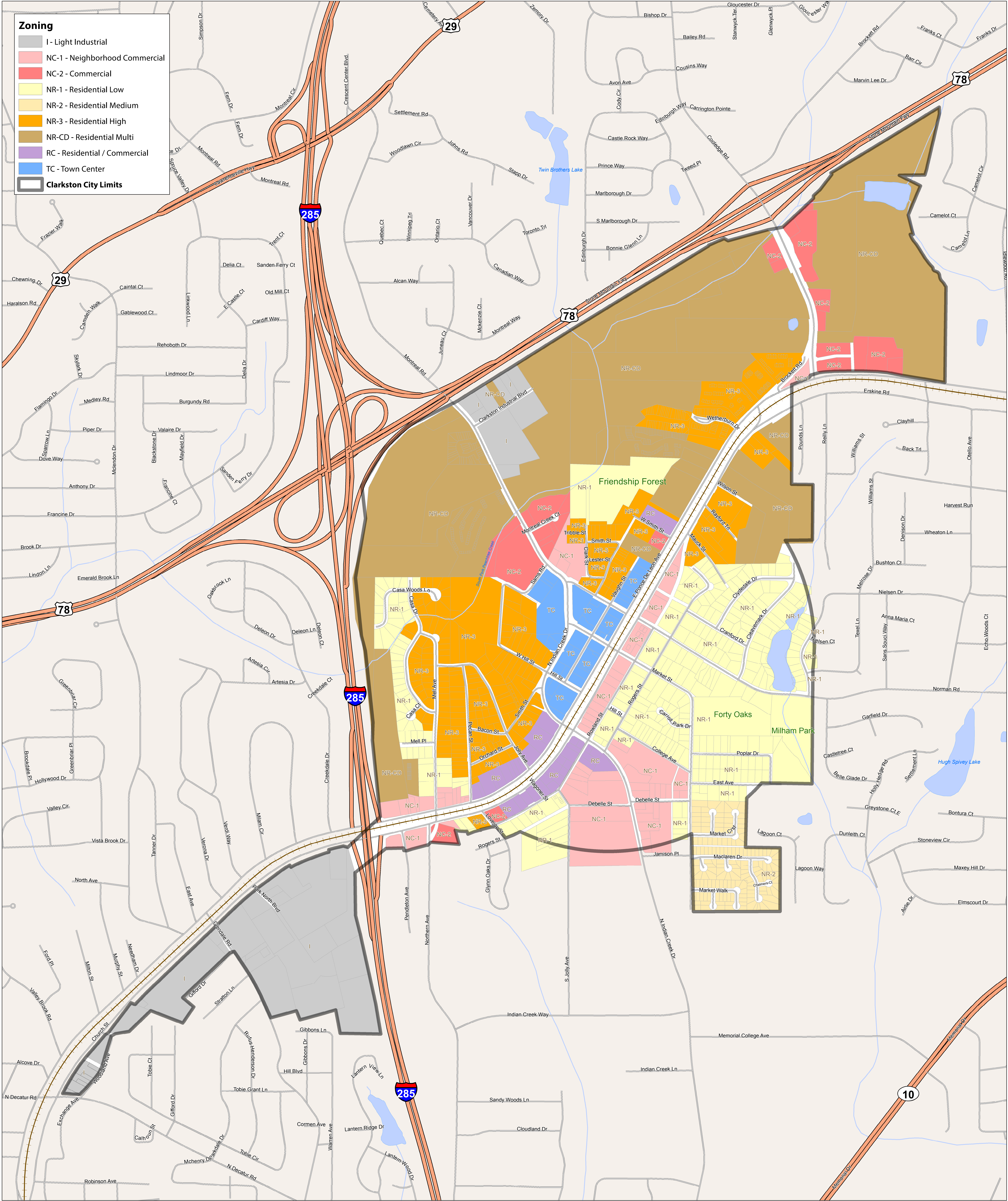
Industrial and Manufacturing

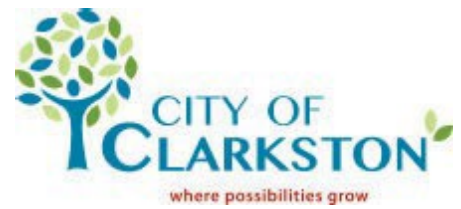
Automobile, truck, motorcycle and heavy equipment sales/service/rental/parts/repair establishments					C		P				
Building and equipment supply/repair services (no outdoor storage)							P				
Commercial dry-cleaning plants							C				
Communications towers (cellular)							C				
Crematories							C				
Manufacturing and assembly, provided no gas, fumes or odors are emitted as a result of the activity							P				
Outdoor storage, commercial											

Trade shops (locksmith, gunsmith, sheet metal, upholstery, furniture, appliance, electrical, carpentry)							P				
Wholesaling and warehousing (entirely indoors)							P				

Temporary Uses											
Farmer's market				AP	AP	AP	AP	AP	AP	AP	<u>Sec. 414</u>
Festival				AP	AP	AP	AP	AP	AP	AP	<u>Sec. 414</u>
Food truck				AP	AP	AP	AP	AP	AP	AP	<u>Sec. 414</u>
Seasonal activities and sales				AP	AP	AP	AP	AP	AP	AP	<u>Sec. 414</u>
Storage of construction equipment				AP	AP	AP	AP	AP	AP	AP	<u>Sec. 414</u>
Tent sale/sale of goods from temporary location				AP	AP	AP	AP	AP	AP	AP	<u>Sec. 414</u>
* When approved by City Council											

ZONING - CITY OF CLARKSTON, GA





STAFF ANALYSIS AND REPORT

APPLICANT: Anstey Bates – Bates Construction, Inc.

LOCATION: 3643 Market Street
(Parcel ID: 18 096 05 004)

ZONING: TC: Town Center

REQUEST: Variances from Sec. 607. – Off-street parking requirements and Sec. 412(b)(3) – Accessory structures and uses, to accommodate a dumpster enclosure in the front yard at 3643 Market Street (18 096 05 004).

ZONING/ADJACENT LAND USE:

North	TC: Retail shopping center
South	TC: Vacant lot
West	TC: Clarkston Village Shopping Center
East	TC: Refuge Coffee

MEETING INFORMATION:

Planning & Zoning Commission:	02/18/2025 – 7:00 P.M
Mayor & City Council Work Session:	02/25/2025 – 7:00 P.M.
Mayor & City Council Public Hearing:	03/04/2024 – 7:00 P.M.

RECOMMENDATION:

Staff recommends approval with conditions.

BACKGROUND:

To: City of Clarkston Mayor & City Council

From: Richard Edwards, AICP

Subject: The applicant is requesting variances from Sec. 607. – Off-street parking requirements and Sec. 412(b)(3) – Accessory structures and uses, to accommodate a dumpster enclosure in the front yard

Background:

The Clarkston Plaza Shopping Center has their existing dumpster and dumpster enclosure in the side yard towards the rear of the building along Vaughn Street. The trash truck has been backing onto the curb cut for Christ Community AME Church and causing damage to that curb cut.

There is not enough space to place the dumpster and dumpster enclosure in the rear of the building, as the building is located very close to the property line and there is a power pole and electrical box that would prevent the trash truck from accessing the dumpsters. This is why the applicant is requesting to place the dumpster and enclosure in the front yard.

The applicant is proposing to install the dumpsters and enclosure in the front yard along the center row of parking spaces. This proposal would remove three (3) parking spaces and allow the trash truck to access the dumpsters via Vaughan Street.

The parking area currently has 62 parking spaces and the zoning code requires a minimum of 82 parking spaces for office, retail, and restaurant uses (1.5 spaces per 300 square feet of gross floor area). The removal of three (3) parking spaces would make the property further nonconforming with 59 parking spaces.

Analysis: Pursuant to Article II of the City of Stone Mountain Zoning Ordinance, Staff has reviewed the variance request in accordance with the required review criteria.

1. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography.

The Clarkston Plaza Shopping Center was constructed in 1964 and it does not appear that it was developed to account for a dumpster and enclosure in the rear or side yards of the property. The side yard to the west is entirely within the public right-of-way off of North Indian Creek Drive, which is maintained by DeKalb County. The rear yard has utility infrastructure and building access ingress/egress that does not allow for the dumpster and enclosure to be placed in that yard.

There appears to be an exceptional condition on the particular property preventing the property owner from placing the dumpster and enclosure anywhere other than the front yard.

2. Such conditions are peculiar to the particular piece of property.

These conditions do appear to be peculiar to this particular piece of property.

3. Such conditions are not the result of the actions of the owner.

Staff is not led to believe that this is a direct result of any actions of the current property owner.

4. A literal interpretation of the provisions of this ordinance would create an unnecessary hardship.

A literal interpretation of the provisions of this ordinance would create an unnecessary hardship on the property owners.

5. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

It is not anticipated that the proposed use would cause detriment to the public good. However, this request does not fall within the intent of the zoning ordinance but this could be considered an unnecessary hardship.

6. The variance is not a request to permit a structure or use of land not authorized in the applicable district.

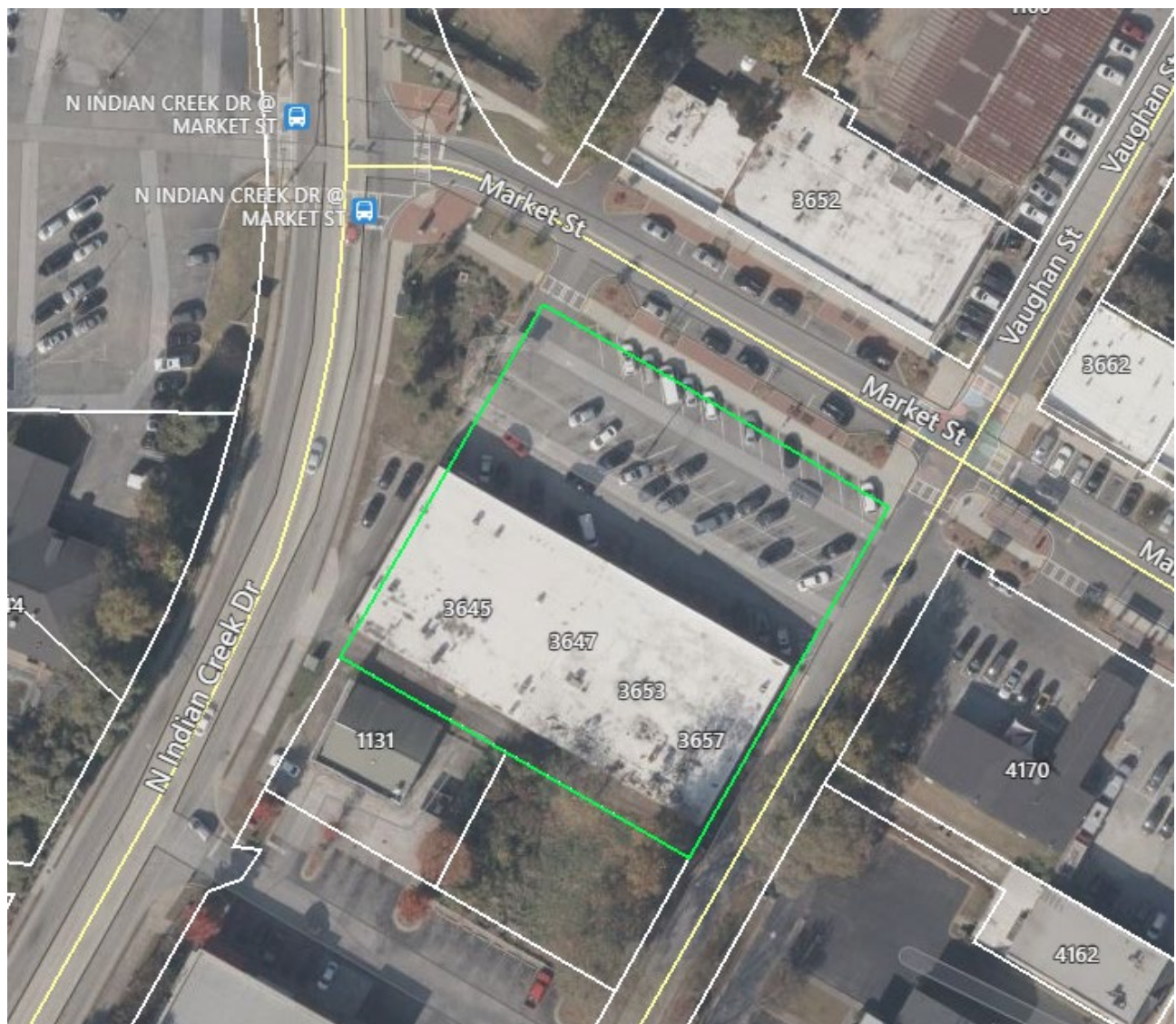
Dumpsters and dumpster enclosures are a permitted structure on this property. The applicant is asking for variances to reduce parking and locate the structure in the front yard.

Recommendation:

Pursuant to Article II of the City of Clarkston Zoning Ordinance, Staff has reviewed the request in accordance with the required review criteria and recommends **APPROVAL** of the Sec. 607. – Off-street parking requirements and Sec. 412(b)(3) – Accessory structures and uses, to accommodate a dumpster enclosure in the front yard at 3643 Market Street with the following conditions:

1. The development shall be substantially in compliance with the site plan dated November 8, 2024.
2. The architectural design shall be substantially in compliance with the elevation renderings dated September 23, 2024.
3. The property owner shall be responsible for maintaining the structure in a state of good repair.
4. The property owner shall be responsible for any cost associated with destruction of curbs, curb cuts, or other infrastructure related to the right-of-way adjacent to the dumpster and enclosure along Vaughan Street.

Aerial of the site



Existing location of the dumpster and enclosure



RECEIVED
DEC 17 2024

7/19/04

CITY OF CLARKSTON



CITY of CLARKSTON

PLANNING AND DEVELOPMENT DEPARTMENT

VARIANCE APPLICATION

1055 ROWLAND STREET
CLARKSTON, GA 30021
404.296.6489

This page must be completed by the Applicant. Please see Applicant Instructions for full requirements.

SUBMITTAL CHECKLIST

Your application must include the following items, or it will not be considered complete:

- ☒ Plan(s) to scale demonstrating variance requested
- ☒ Survey
- ☒ Property Deed
- ☒ Recorded Plat of Property (seven (7) copies) **NO RECORDED PLAT EXIST FOR THIS PROPERTY**
- ☒ Campaign Contribution Disclosure Form
- ☒ Filing Fee (payable to The City of Clarkston)

FOR OFFICE USE/DETERMINATION

Review determination and fee: Review fee (payable to *The City of Clarkston*) depends on type of review(s). (See Fee Schedule):

_____ Variance _____ (Fee)
Please indicate if this is an Administrative Variance

APPLICANT INFORMATION

ANSTAY BATES BATES CONSTRUCTION INC.
Applicant Name Company
(404) 557-9067
Primary Phone # Alternate Phone # Fax #
BATES CONSTRUCTION INC @ GMAIL . COM
Email Address

PROJECT SUMMARY

Name of Project **TRAN'S DUMPSTER ENCLOSURE AND PAD.**

Detailed Description of Variance. Include: Variance needed (code section, square footage or other dimension); Proposed use(s) and square footage of floor area for each use; and written explanation of hardship involved with need for variance (see checklist).

A VARIANCE IS NEEDED TO GRANT RELIEF FROM DIVISION 3. SECTION 607 - OFF STREET PARKING REQUIREMENT. THE VARIANCE IS NEEDED TO ELIMINATE 4 PARKING SPACES FOR THE PLACEMENT OF A CONCRETE DUMPSTER PAD AND ENCLOSURE APPROXIMATELY 20'-8" X 12'-6" DUE TO EXTRAORDINARY AND EXCEPTIONAL CONDITIONS

Case #: _____



CITY of CLARKSTON
PLANNING AND DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION

1055 ROWLAND STREET
CLARKSTON, GA 30021
404.296.6489

PERTAINING TO THE PROPERTY, NOT GRANTING RELIEF
WOULD INCUR FINANCIAL HARDSHIP AND CHALLENGES
FOR THE PROPERTY OWNER AND TENANTS.

Total Number of Parcels Involved:	<u>1</u>	Total Project Area (acre/sf):	<u>258/sf</u>	Total Disturbed Area:	<u>258/sf</u>
Total Number of Buildings:	<u>1</u>	Total Estimated Construction Cost:	<u>\$20,000</u>		

☒ Project Submittal Checklist and all documents, plans, written analysis, and fees required therein accompany this application form.

I hereby certify that all information provided herein and in the accompanying documents is true and correct.

Dusty Batts

Applicant Signature
☐ Property Owner

☒ Owner's Agent

12/16/2024

Date



CITY of CLARKSTON
PLANNING AND DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION

1055 ROWLAND STREET
CLARKSTON, GA 30021
404.296.6489

PROPERTY INFORMATION/OWNER AUTHORIZATION

If more than one parcel is the subject of review, owner-applicant shall complete information for each parcel on additional page attachments; authorized agent-applicants must complete this page for EACH parcel.

PARCEL (PROPERTY) INFORMATION

3697 MARKET STREET CLARKSTON, GA. 30021
Property Address/Location Suite/Apt. # City, State Zip Code
18 096 05 009
Parcel ID/Property Tax Identification Number .9183
SHOPPING CENTER
Present Use(s) Total Acreage
SHOPPING CENTER
Proposed Use(s) Present Zoning (Official Zoning Map)
NC-1

☐ Indicate here if there are more than one subject parcels (attach information accordingly)

Legal description includes: Or: ☒ Indicate here that an exhibit identifying property location is attached.

GEORGIA MILITIA DISTRICT 96497
Subdivision Name Lot # Block #

PROPERTY OWNER

CHUA T. TRAN QUY V. TRAN Q&C CORPORATION
Owner (Person, Firm, Corporation, or Agency) Company Name
1215 CRESTHAVEN LANE LAWRENCEVILLE, GA. 30043
Mailing Address Suite/Apt. # City, State Zip Code
(770) 686-5723
Primary Phone # Fax # TAYLIEN TRAN@GMAIL.COM
Email Address

PROPERTY OWNER'S AGENT (If applicable; must match applicant contact information on page #1)

ANSTEY BATES - BATES CONSTRUCTION INC.
Name and Company (Owner's Agent or Attorney)
1101 CLEAVENMARK DR CLARKSTON, GA. 30021
Mailing Address Suite/Apt. # City, State Zip Code
(404) 557-9067
Primary Phone # Fax # BATES CONSTRUCTION INC @GMAIL.COM
Email Address #

AUTHORIZATION FOR AGENT (If applicable)

Chau Tran
Owner Signature Date 12/16/2024
CHAU THI TRAN
Print Name

Subscribed and sworn before me this 17th





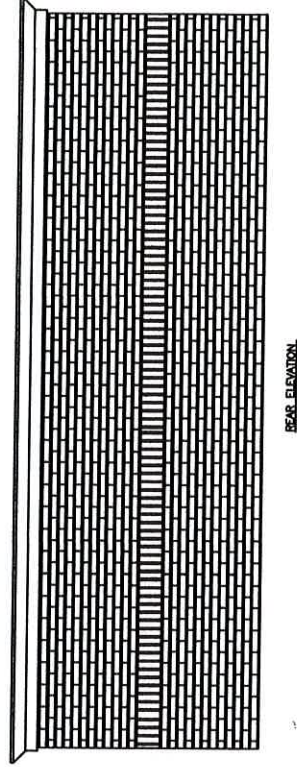
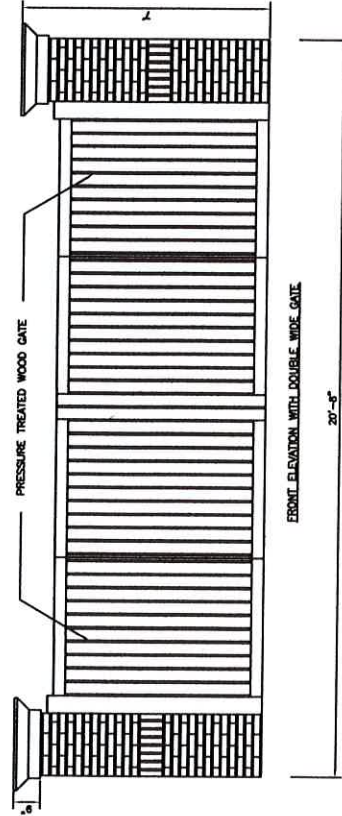
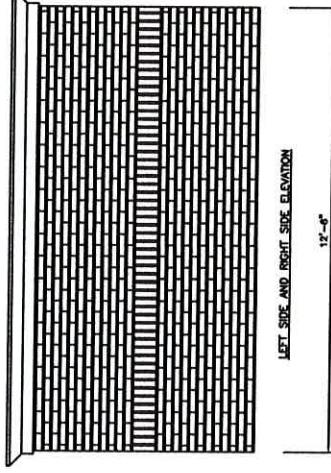
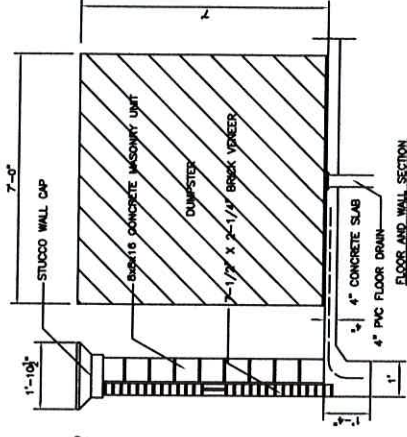
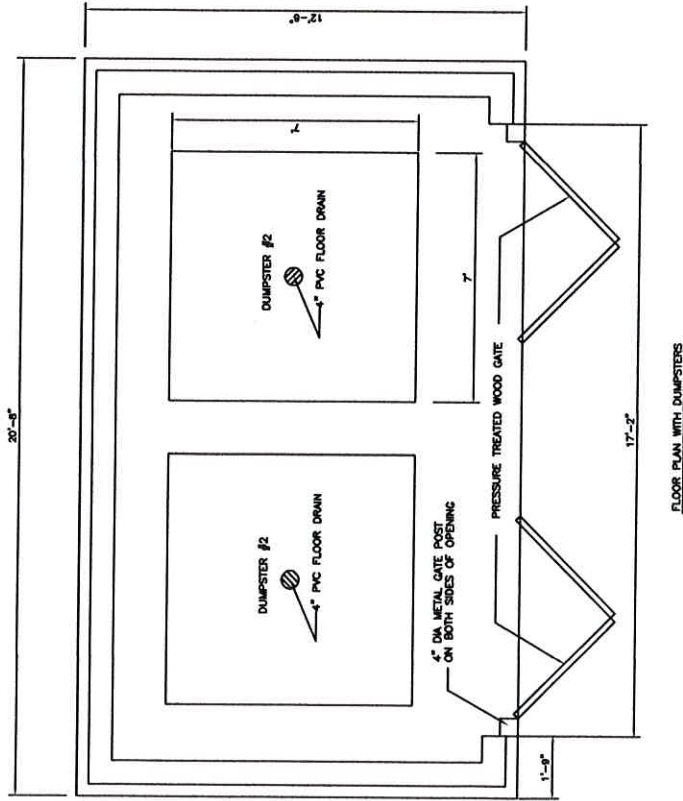
CITY of CLARKSTON
PLANNING AND DEVELOPMENT DEPARTMENT
VARIANCE APPLICATION

1055 ROWLAND STREET
CLARKSTON, GA 30021
404.296.6489

day of 17th, 2024.


Signature of Notary Public in the State of Georgia





NEW DUMPSTER PAD WITH BRICK ENCLOSURE

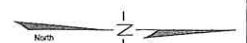
ADDRESS: 3651 MARKET STREET CLARKSTON, GA 30021

DATE: 09/23/2024

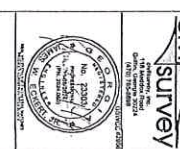
OWNER: MRS. TRAN

DRAWN BY: A. BATES

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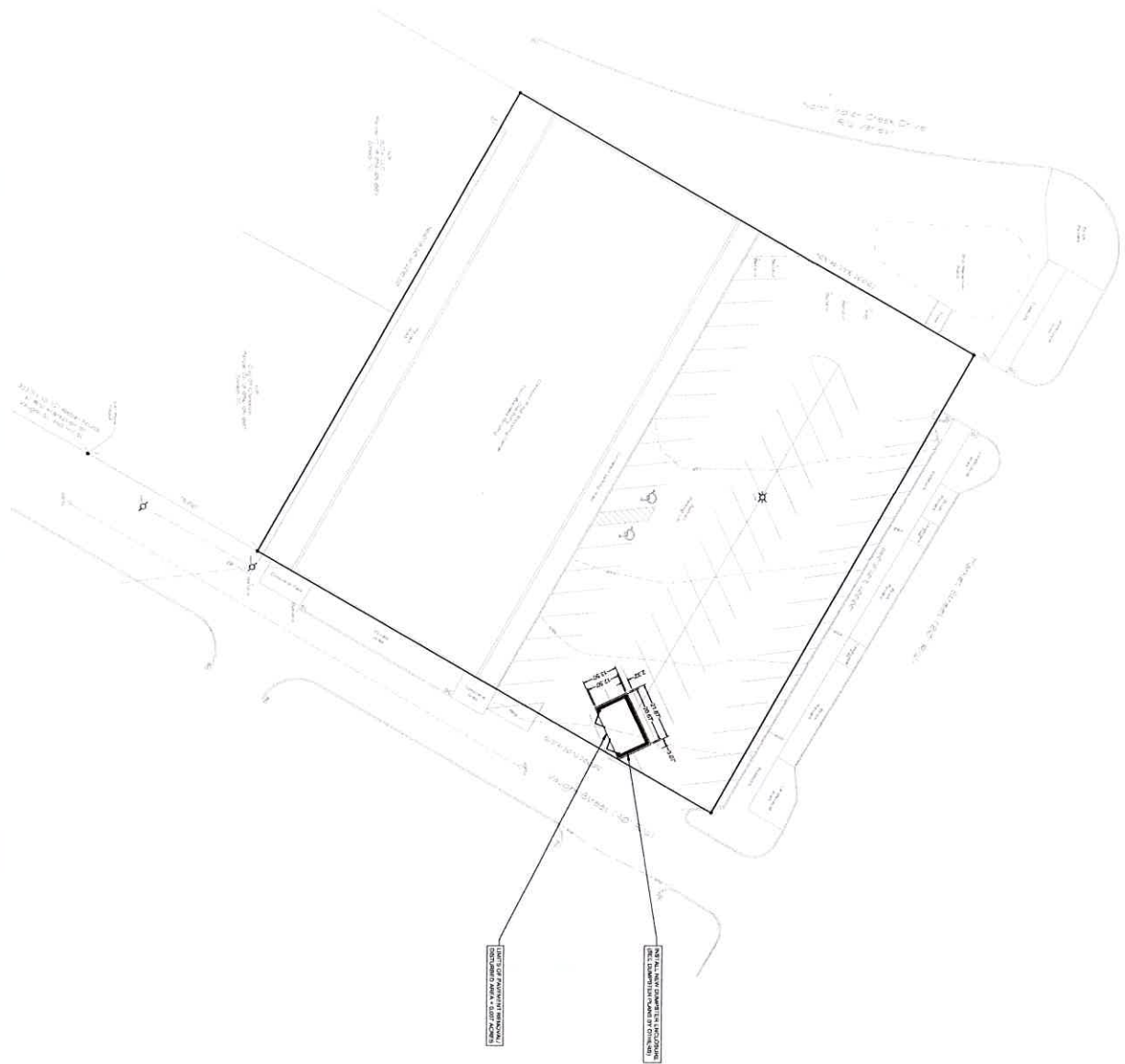
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 2. **LIBRARY**
 3. **100 UNIVERSITY BLVD.**
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Property Address:
3547 Market Street
Clarkston, GA 30021

Date: 04 November 2024	
Land LULU: 90 & 97	
Land District: 18th	
Land Section: N/A	
City: Charleston	
County: DeKalb	
State: Georgia	
Est Project Number: 2024-0050	
C15.00	



SITE PLAN

0 10 20 30 40 50
Feet

3647 Market Street Property Address: 3647 Market Street Clarkston, GA 30021			LEGEND 1. ALL EXISTING UTILITIES SHOWN 2. ALL EXISTING BUILDINGS SHOWN 3. ALL EXISTING DRIVEWAYS SHOWN 4. ALL EXISTING FENCES SHOWN 5. ALL EXISTING SETBACKS SHOWN 6. ALL EXISTING EASEMENTS SHOWN 7. ALL EXISTING RIGHTS-OF-WAY SHOWN 8. ALL EXISTING ADJACENT PROPERTIES SHOWN 9. ALL EXISTING STREETS SHOWN 10. ALL EXISTING PARKING AREAS SHOWN 11. ALL EXISTING LANDSCAPING SHOWN 12. ALL EXISTING UTILITIES SHOWN 13. ALL EXISTING BUILDINGS SHOWN 14. ALL EXISTING DRIVEWAYS SHOWN 15. ALL EXISTING FENCES SHOWN 16. ALL EXISTING SETBACKS SHOWN 17. ALL EXISTING EASEMENTS SHOWN 18. ALL EXISTING RIGHTS-OF-WAY SHOWN 19. ALL EXISTING ADJACENT PROPERTIES SHOWN 20. ALL EXISTING STREETS SHOWN 21. ALL EXISTING PARKING AREAS SHOWN 22. ALL EXISTING LANDSCAPING SHOWN	DATE	RELEASE DESCRIPTION

EXHIBIT "A"



All that tract or parcel of land lying and being in Land Lots 96 and 97 of the 18th District, Dekalb County, Georgia, and being more particularly described as follows:

BEGINNING at a nail found at the point of intersection of the southwesterly right-of-way line of Market Street (an 80 foot right-of-way) with the northwesterly right-of-way line of Vaughn Street (a 40 foot right-of-way), such point being the Point of Beginning; thence South 30 degrees 45 minutes 00 seconds West a distance of 200.02 feet to a point and an iron in found; thence North 69 degrees 15 minutes 00 seconds West a distance of 200.30 feet to a point; thence North 30 degrees 50 minutes 09 seconds East a distance of 200.02 feet to a point; thence South 59 degrees 15 minutes 00 seconds East a distance of 200.00 feet to a nail found and the True Point of Beginning, Said tract containing 0.92 acres, all as more particularly described on that certain plat of survey prepared by Benchmark Engineering Corporation for Stanley Pleatman and United Companies Financial Corporation, dated January 3, 1986, and revised and updated on May 9, 1986, and November 25, 1986, said survey being incorporated herein by specific reference.

EXHIBIT "B"



Jeanette Rozier

Clerk of Superior Court Dekalb Cty. Ga.



PERMITTED TITLE EXCEPTION

1. State and County ad valorem taxes and assessments for the year 2000 and subsequent years, not yet due and payable, and those taxes and special assessments which are not shown as existing liens by the public records.
2. Right of Way Easement to Southern Bell Telephone and Telegraph Company, dated December 20, 1983, filed January 17, 1984, and recorded in Deed Book 4904, page 10, Dekalb County, Georgia Records.
3. No certification is afforded as to the exact amount of acreage contained in subject property.

RIGHT-OF-WAY EASEMENT

In consideration of the sum of money hereinafter set out and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged from the Southern Bell Telephone and Telegraph Company, the undersigned, owner(s) of the premises described below, do hereby grant to the Southern Bell Telephone and Telegraph Company its licensees, agents, successors, assigns, and allied and associated companies, a right of way easement to construct, operate, maintain, add or remove such lines or systems of communications or related services as the grantee may require, consisting of:

1) poles, guy wires, and hardware, - conduit, cables and wire;

(2) buried cables and wires, cable terminals, - markers, - equipment boxes and - pedestals;

(3) - excavated, - installed, - replaced, - and any needed cable and wire;

(4) - and - other - and - hardware, - boxes, - equipment and - other.

upon over and under a strip of land 2 feet wide across the following lands in Dekalb County, State of Georgia generally described as follows:

Dist. 18 LL 96
See Sketch on Reverse

and, to the fullest extent the undersigned has the power to grant, (if at all, over, along and under the roads, streets or highways adjoining or through said property.

The following rights are also granted: to allow any other person or company to attach wires or lay cable or conduit within the right of way for communications or electric power transmission or distribution; ingress and egress to said premises at all times; to clear the land and keep it cleared of all trees, undergrowth or other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution.

The receipt of One and No /100 Dollars (\$ 1.00) is hereby acknowledged by the undersigned.

To have and to hold the above granted easement unto Southern Bell Telephone and Telegraph Company, its successors and assigns forever.

IN WITNESS WHEREOF, the undersigned has S signed and sealed this document
caused this instrument to be executed by
its duly authorized agent

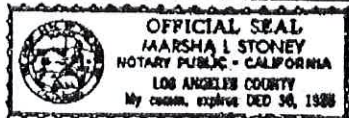
on 12-20, 1983

Signed, sealed and delivered
in the presence of:

Marsha L. Stoney notary

L.S.
L.S.

Name of Corporation



Attest:

Corporate Officer

Stan Pleatman

STAN PLEATMAN

22713^{1/2} Ventura Blvd., Suite B
Woodland Hills, CA 91364
(213) 346-9447

JAN 17 9 46 AM '84



11

WHITFIELD C. SMITH
CLERK OF SUPERIOR COURT

BOOK 4904 PAGE 10

Name and Post Office Address of Grantor: Ann Properties Inc.
Suite B 22713 1/2 Ventura Blvd.
Woodland Hills, Ga. 91364

File No. _____

Toll Line or Exchange Line tributary to: N/A (Name)
Indian Creek (Exchange)

The Property is bounded where the line enters and leaves this property by the property of:
Public Right-of-Way on the East
and John W. Holcomb on the North

Authority: HE3-0671K Classification: 450

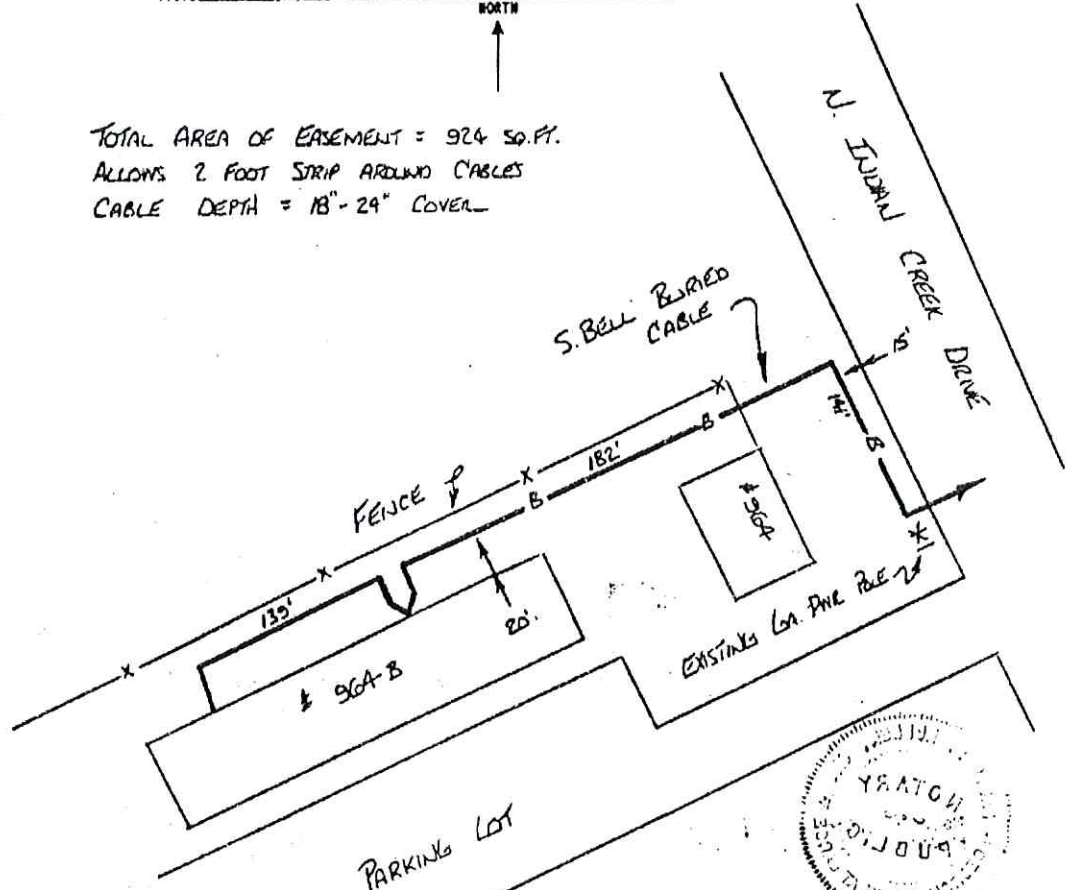
Area: Atlanta

Approved: [Signature]
Segment Manager-Engineering

Title: _____

NORTH
 ↑

TOTAL AREA OF EASEMENT = 924 SQ. FT.
 ALLOWS 2 FOOT STRIP AROUND CABLES
 CABLE DEPTH = 18" - 24" COVER



01 - 1111

Disclosure of Campaign Contributions

Pursuant to OCGA, Section 36-67A-3(a), the following disclosure is mandatory when an applicant or any representative has made campaign contributions aggregating \$250.00 or more to a local government within two (2) years immediately preceding the filing of this application.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government. The following questions **must** be answered:

Have you, the applicant, made \$250.00 or more in campaign contributions to a **local** government official within two years immediately preceding the filing of this application?

Yes ☐ No ☒

If the answer is **yes**, you must file a disclosure report with the governing authority of City of Clarkston showing:

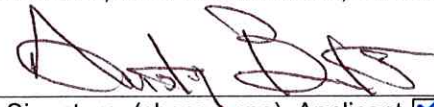
1. The name and official position of the local governing authority in City of Clarkston to whom the campaign contribution was made.

Name and official position of the applicant/representative (Please Print)

2. The dollar amount and description of each campaign contribution made during the two (2) years immediately preceding the filing of this application and the date of each such contribution was made.

Description of Campaign Contribution (Please Print)	\$ Dollar Amount

This disclosure must be filed within ten (10) days after the application is first filed and must be submitted to the City of Clarkston, 3921 Church Street, Clarkston, GA 30021.



Signature (choose one) Applicant ☒ Owner ☐



Notary Signature

11/12/2024
Date



Bates Construction, Inc.

404-557-9067

Design. Construction. Project Management.
1101 Cleavemark Drive, Clarkston, GA 30021

Anstey Bates, CEO
Email: BatesConstructionInc@gmail.com
Bates_constructioninc.com

Letter of Intent

Date: December 16, 2024

Project Address: 3647 Market Street

Clarkston, Ga 30021

Owner (s): Chua T. Tran and Quy V. Tran

Project Description:

Demolish and remove an existing concrete dumpster pad and wood enclosure.

Remove approximately 258 square feet of asphalt paving in parking lot.

Excavate, form, and pour approximately 258 square feet of new concrete footing and slab.

Construct approximately forty-eight linear feet of concrete block wall, seven (7) feet high.

Construct approximately forty-eight linear feet of face brick wall, seven (7) feet high.

Install two (2) swing gates approximately seven (7) feet high.

The proposed project is located within the Clarkston Town Center District, the purpose of the project is to provide a required dumpster pad and enclosure for several small businesses within the Clarkston Plaza Shopping Center, located at the above referenced address.

Site Conditions:

There are extraordinary and exceptional conditions pertaining to this property because of its size and shape, and the boundary lines of the property abut the city right of way. There are no other buildable areas on the property except within the parking lot for the placement of the required dumpster pad. Such conditions are peculiar to this property and are not because of the property owner.

Request For Variance:

The property is in compliance with the criteria of Division 3 Sec. 607 – Off -Street Parking Requirements (Minimum # of Spaces) as set forth in the City of Clarkston Zoning Ordinance, Adopted June 5, 2023. There are currently sixty-one parking spaces.

A variance is needed to eliminate four (4) parking spaces for the placement of a concrete dumpster pad and enclosure, twenty feet – 8 inches by twelve feet – 6 inches, approximately two hundred and fifty-eight (258) square feet.

The variance is not a request to permit a structure or use of land not authorized in the applicable district.

The application of the existing zoning ordinance to this piece of property would create an unnecessary hardship and burden on the property owner.

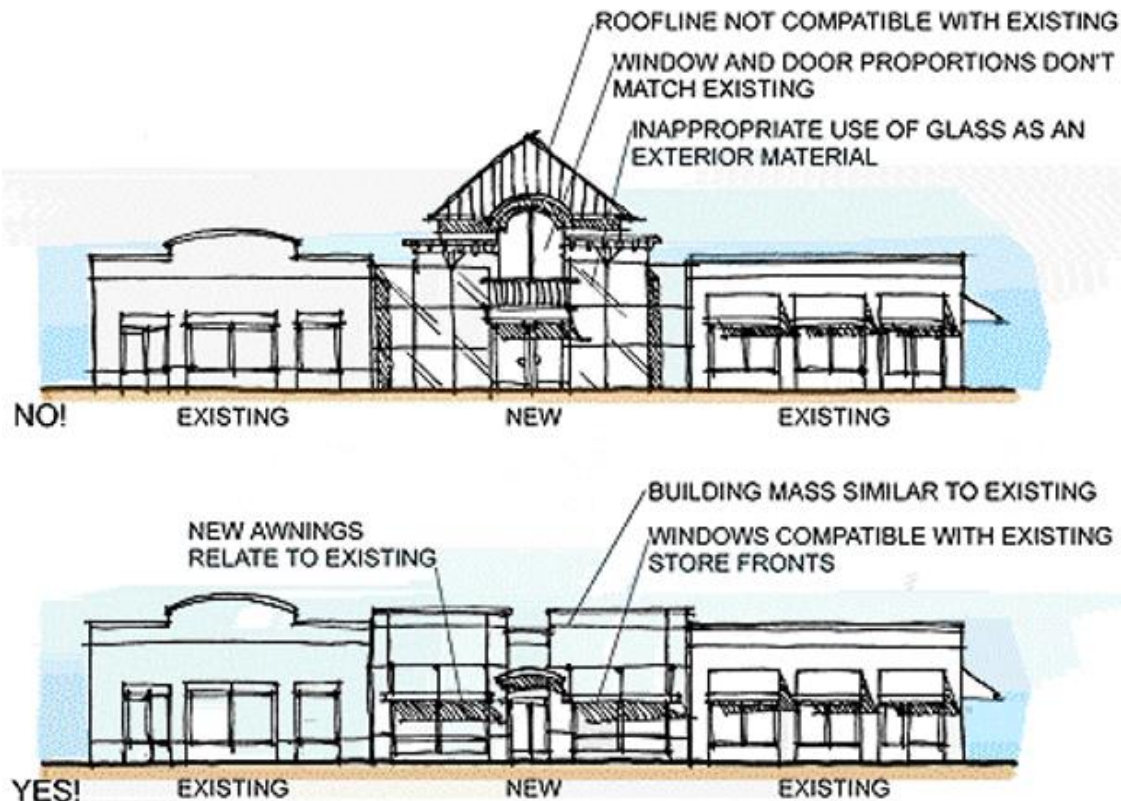
Relief if granted, would not cause substantial detriment to the public good, nor impair the purpose or intent of this zoning ordinance.

Architectural Design Requirements and Guidelines

Architectural design compatibility.

Buildings or other improvements should be compatible with the orientation, directional emphasis, shape, volume, massing, proportion, rhythm, scale and materials of the context, setting and streetscape of the site. Architectural design should be compatible with the developing character of the neighboring area. Design compatibility includes complementary building style, form, size, color, materials, and detailing. Determinations of compatibility will consider each of the following contexts as appropriate:

- (a) *Size*: The relationship of the project to its site.
- (b) *Orientation*: The relationship of buildings to streets. Buildings should front directly onto public sidewalks unless site features prohibit such building configuration.
- (c) *Scale*: The relationship of the building to those around it. Efforts to coordinate the height of buildings and adjacent structures are encouraged. This is especially applicable where buildings are located very close to each other. It is often possible to adjust the height of a wall, cornice or parapet line to match that of an adjacent building.
- (d) *Massing*: The relationship of the building's various parts to each other.
- (e) *Fenestration*: the placement of windows and doors. The building may incorporate design that is similar to or links with designs of neighboring buildings. For instance, window lines should be placed in a pattern that reflects the same elements on neighboring buildings.
- (f) *Rhythm*: The relationship of fenestration, recesses and projections.
- (g) *Setback*: Placement in relation to setback of immediate surroundings.
- (h) *Materials*: The compatibility of building materials with those used in the zoning district.
- (i) *Context*: The overall relationship of the project to its surroundings.



Architectural Character (Nonresidential)

Building style.

- (a) When more than one building is constructed on a development site or within a planned development, all buildings shall reflect a compatible architectural style and create a cohesive visual relationship between the buildings.
- (b) "Theme" or stylized architecture which is characteristic of a particular historic period or trend is not encouraged, unless the existing building or site is historically important to the district or necessary for architectural harmony.
- (c) Franchise architecture will be reviewed for compatibility with surroundings and may require adjustments to be compatible with surrounding buildings in the district.

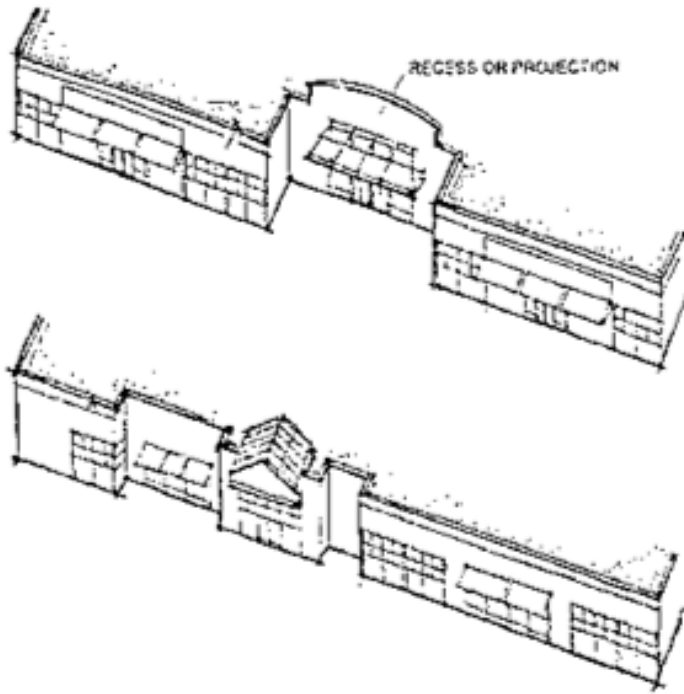
Building materials.

- (a) All construction shall be brick, stone, wood, glass in combination with metal or similar, durable architectural materials. Materials found to be other than durable products are specifically prohibited. Side and rear building elevations should be substantially consistent with the front building elevation.
- (b) The following types of building materials shall not be used: highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames; exposed, unfinished foundation walls; exposed plywood or particle board; and exposed, unfinished concrete masonry blocks.

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- (c) Buildings with all-metal siding shall not be permitted except in Industrial Zoning Districts. In Industrial Districts, buildings if permitted to be constructed with all-metal siding shall be screened from view from a public or private street.
 - (d) Smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels are discouraged and shall only be permitted in Industrial Zoning Districts. Split face (integrated block) materials may be authorized.
 - (e) Non-residential building walls shall consist of or be finished on the exterior with brick, stone, wood, cementitious siding, glass in combination with metal, or other similar, durable architectural materials approved by the community development director.
 - (f) Within the Town Center (TC) Zoning District, the exterior walls of any building that is located within a through road corridor and/or is visible from a through road corridor shall be of masonry (excluding concrete, concrete products or hardiplank and/or stucco-type) construction. These building material finishes shall be applied to all sides of the building.
 - (g) All sides of a building may impact on its surroundings and should be considered for treatment with an architectural finish of primary materials (i.e., brick and stone), unless other materials demonstrating equal or greater quality are used. As a general guide: front and side facades should be at least 50% brick and stone; side facades should be at least 50% brick and stone. Rear facades do not have a minimum suggested standard for primary materials unless they are visible from a public right-of-way. Requirements for brick or stone may be modified to accommodate creatively designed structures as determined by the community development director. Materials used for side and rear building elevations should be substantially consistent with the materials used for the front building elevation.
 - (h) Use of vinyl material in the Town Center (TC) Zoning District is prohibited. See section _____ for regulations regarding use of vinyl on exterior walls of dwelling units. Any vinyl material, if authorized during architectural design review, shall be certified under the product certification program as meeting:
 - 1. The specifications of ASTM D3679 for rigid poly (vinyl chloride) siding with nominal thickness of 0.044 inches or greater that is not laminated and that includes a formed insulation having the same profile as the vinyl panel;
 - 2. Product and color retention certification approvals by the Vinyl Siding Institute;
 - 3. Enhanced panel locking system with features to help straighten the wall appearance;
 - 4. Reinforced nail hem curl or double nail hem designed to increase panel wind load resistance;
 - 5. Polypropylene sidings; and
 - 6. 5/8-inch or greater panel projection.

Modulation.

Avoid constructing buildings with blank facades parallel to public rights-of-ways. In pedestrian activity areas, buildings should exhibit more detail and elements appropriate for close range view by the pedestrian. The walls of building facades for office, institutional, commercial, and industrial use shall not extend more than 200 linear feet unless the front facade of the building (including roof) is designed in a way that modulates the building face into discrete architectural elements. This may be accomplished one or a combination of modulation techniques described below.



Illustrative Recesses and Projections

- (a) Recesses and projections should be used along the front facade to break up long expanses of wall planes (see figure).
- (b) Rooflines can be modulated by alternating dormers, or using stepped roofs, gables, or other roof elements.
- (c) Windows with awnings above the windows can be provided in a repeating pattern or at regular intervals, or bay windows can be used to achieve some modulation.
- (d) The building design can incorporate and feature awnings, canopies, porches, porticos, patios, decks, other covered entries to portions of the facade at the ground level, or in the case of buildings containing 2 or more story, balconies.
- (e) Changes to building materials at a change in building plane can achieve some modulation.



Screening of Large Building Walls

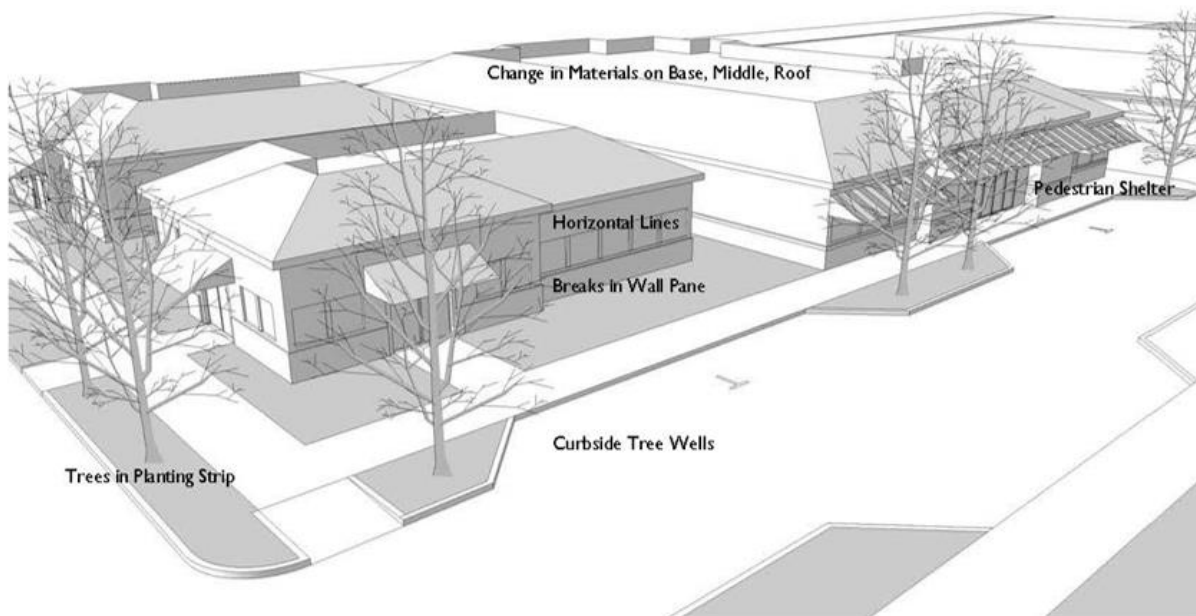
- (f) In addition to building modulation, large, expansive front building facades should be partially screened with landscaping (see figure).
- (g) A horizontal accent stripe (e.g., a foot wide stripe of different color) may be appropriately used to help reduce monotonous color and break up the appearance of large building walls.

Roofs.

- (a) Flat roofs are discouraged, unless the zoning district includes buildings already developed with flat roofs, or unless such a design is needed for a "green" or "cool" roof.
- (b) Roof planes should be varied to increase visual interest.

Awnings and canopies.

- (a) Awnings are encouraged for first floor retail uses to provide architectural interest and to encourage pedestrian activity. Where awnings are used, they should be designed to coordinate with the design of the building and any other awnings along the same block face.



Illustrative Use of Awnings

Source: Oregon Transportation and Growth Management Program, 2012
Model Development Code & User's Guide for Small Cities, 3rdEd.

- (b) Awnings are recommended to be constructed with a durable frame covered by a canvas material.
 - (c) Flameproof vinyl, canvas, or metal awnings and canopies may be appropriate.
 - (d) Aluminum and other metal canopies are acceptable in most instances, particularly when integrated into shopping center designs.
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- (e) Solid colors are preferred over striped awnings, but striping is permitted if colors compliment the character of the structure or group of buildings.
 - (f) Awnings that are backlit through translucent materials are discouraged if not prohibited altogether.

Colors.

- (a) The "base" color (used on the majority of the building surface) of buildings and accessory buildings and structures should be harmonious and compatible with colors of other buildings within and immediately adjacent to the zoning district in which the building or structure is located.
- (b) High-intensity colors, metallic colors, black, or fluorescent colors shall not be used.
- (c) Facade colors should be low reflectance, subtle, neutral, or earth tone colors. If a color palette or chart is adopted by the Mayor and City Council and maintained in the office of the community development department, then color selections should be limited to colors so indicated.
- (d) Trim color (used on the window trim, fascia, balustrades, and posts) may be brighter than base color.
- (e) All vents, gutters, downspouts, flashing, electrical conduits, etc., should be painted to match the color of the adjacent surface, unless they are being used expressly as a trim or accent element.
- (f) Accent color may be used with discretion on the building's exterior.

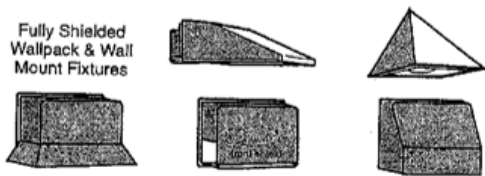
Architectural lighting.

- (a) Well-designed and distinctive lighting of building facades is one of the best ways to attract attention and make a favorable impression with a minimal investment. Building facade lighting can help enhance the intrinsic charm, beauty, and utility of any given setting. Architectural lighting may include outlining, floodlighting, spotlighting, or any applicable combination of these techniques.
- (b) The discrete lighting of a few key architectural features or details is preferred over uniform floodlighting of the entire building facade. Focal points can also be established through careful floodlighting of major buildings, with the lighting of secondary buildings keyed in turn to these focal points.
- (c) Highly polished surfaces such as glass, marble, glazed tile, glazed brick, porcelain enamel, and various metals can reflect the image of the light source. Designers should avoid lighting these reflective surfaces directly. Glass buildings usually cannot be lighted for nighttime viewing.
- (d) Exterior lighting of the building shall be designed so that light is not directed off the site and the light source is shielded from direct off-site viewing.



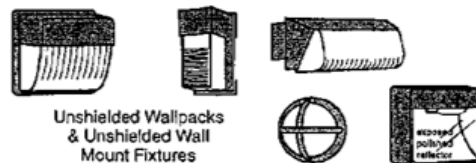
Security Lighting

- (e) Security lighting, unless activated by motion sensor devices, shall be shielded or cutoff fixtures. Wallpacks are not permitted unless fully shielded.



Shielded Wallpacks Permitted

Wall Packs



Unshielded Wallpacks Prohibited

Trash and recycling collection facilities.

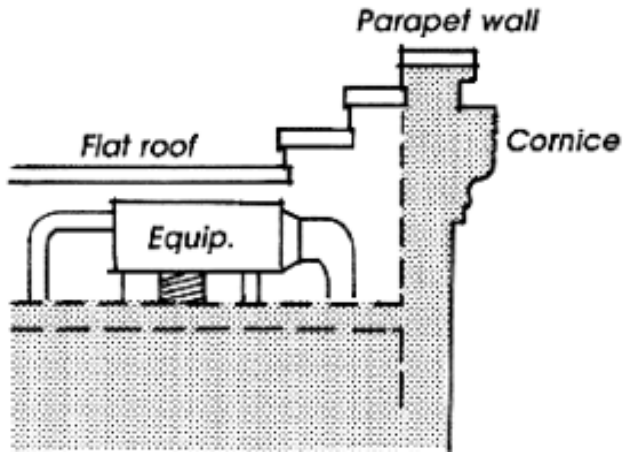
All institutional, commercial, industrial, multi-family residential sites must provide appropriate refuse dumpsters and areas devoted to the storage of waste materials (including grease or oil containers where used). The minimum area for said requirement shall be 36 square feet.



Recommended Practice for Dumpsters

All garbage dumpsters and other similar areas devoted to the storage of waste materials and grease or oil containers should be screened on 3 sides of said dumpster or area with a minimum 6' high (8' preferred) wall constructed of materials substantially similar in appearance to the building on site. Dumpster areas must be gated on the fourth side with a material that provides opaque screening, such as a solid, wooden fence matching the height of the surrounding wall.

Temporary dumpsters:



Roof Top Screening

Mechanical systems.

Air conditioning units installed at grade should be sited to the rear or side of the building rather than the front of the building. Mechanical systems located on a rooftop shall be screened from view from the front and side lot lines by a parapet wall or other approved architectural feature.

Accessory nonresidential storage areas.

Any accessory use involving the storage of equipment, refuse, or spare parts, or motorized vehicles under repair, shall be kept inside an enclosed building or otherwise fully shielded from public view by a fully opaque fence kept in good repair.

Fences and walls.

- (a) The design of fences and walls shall be compatible with the architecture of the main building(s) and should use similar materials.
- (b) All walls or fences 50' in length or longer, and 4' in height or taller, should be designed to minimize visual monotony through changes in plane, height, material or material texture or significant landscape massing.



Discouraged Garage Location

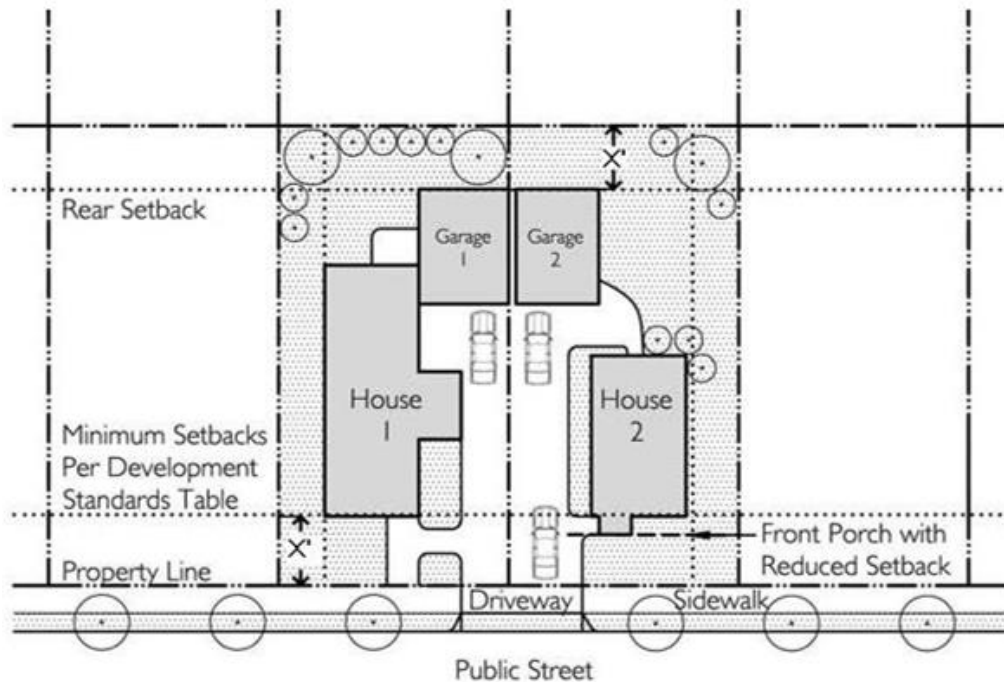
Source: John Matusik and Daniel Deible. "Grading and Earthwork."

Figure 24.23 in Land Development Handbook, 2nd ed.

New York: McGraw-Hill, 2002, p. 562.

Residential garages and carports.

Garages should be placed in rear yards. If facing the street, garages, whether integrated into residential dwellings or established as a freestanding carport or accessory building, should be set back further into the interior of the lot than the dwelling facade. In no case shall the garage's or carport's facade be allowed to be located closer to the street than the dwelling's facade.



Encouraged Residential Garage Location

Source: Oregon Transportation and Growth Management Program, 2012 Model Development Code & User's Guide for Small Cities, 3rdEd.

Residential unit differentiation.

In residential development, floor plans and building elevations shall not be repeated at a rate greater than the same plan and elevation once every 5 building lots along the same street frontage, nor any 4 building lots across the street. The units should be further differentiated by varying the selection of architectural materials within the approved elevations. Any residential subdivision, townhome or condominium development and multi-family complex shall be required to submit a copy of the approved plat or site plan denoting or identifying model names or architectural elevations (which must accompany the plat or site plan as attachments) that demonstrates compliance with this section. The designer responsible for preparing this exhibit demonstrating compliance shall also certify that the model names or architectural elevations referenced meet the requirements of sections of the.

Reserved.