



PLANNING & ZONING BOARD MEETING

February 18, 2020 7:00 PM
City Hall
3921 Church Street

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF DECEMBER 2019 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. OLD BUSINESS

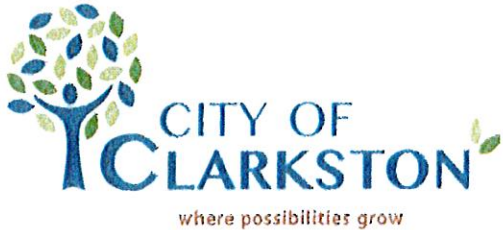
1. **PUBLIC HEARING:** A request from the North American Mission Board of the Southern Baptist Convention, Incorporated for a conditional use permit for the properties located at 961 Rowland Street and 3673 Hill Street, zoned NR-1, Low Density Neighborhood Residential, Clarkston, GA 30021, for the construction of athletic fields and other athletic facilities to support the church's mission and for church related activities.

E. NEW BUSINESS

1. **PUBLIC HEARING:** Abdulkadir Mohamed Dine D/B/A Brava Auto Brokers, has submitted a conditional use permit request for the property located at 1352 Brockett Road, Clarkston, Georgia 30021, zoned NC-2 Neighborhood Residential-Community Development for used car sales, repairs and emissions.

F. OTHER BUSINESS

G. ADJOURNMENT



CITY OF CLARKSTON
CONDITIONAL USE PERMIT APPLICATION

Date Received: _____

APPLICANT INFORMATION

APPLICANT NAME: North American Mission Board of the Southern Baptist Convention, Inc.

ADDRESS: c/o Woody Galloway and Laurel David, The Galloway Law Group, 3500 Lenox Rd., Suite 760, Atlanta GA

PHONE: 404-965-3680 CELL: _____ FAX: 404-965-3620

EMAIL ADDRESS: laurel@glawgp.com

OWNER INFORMATION (If different from Applicant)

OWNER NAME: _____

ADDRESS: _____

PHONE: _____ CELL: _____ FAX: _____

EMAIL ADDRESS: _____

PROPERTY INFORMATION (attach legal description)

ADDRESS: 961 Rowland Street and 3673 Hill Street, Clarkston GA 30021

PARCEL ID#: 10 002 and 003 LAND LOT: 096 DISTRICT: 18

CONDITIONAL USE PERMIT REQUEST

CURRENT ZONING: NR-1 CURRENT LAND USE: vacant structures, surface parking lots

PROPOSED LAND USE: Place of assembly, religious institution

DESCRIPTION OF USE (ex.: number of employees, details of operation, etc.):
construction of athletic fields and other athletic facilities to support the church's mission and for church related activities

CERTIFICATION OF OWNERSHIP

I hereby certify that I am the owner of the property shown on the attached plat, described in the attached legal description, and identified as follows: 961 Rowland Street and 3673 Hill Street, Clarkston GA 30021

By: George McCallum General Counsel
Type or Print Owner's Name

[Signature]
Owner's Signature

7/23/19
Date

Sworn and subscribed before me this 23 day of July, 2019

Marjorie Bowman
Notary Public

February 23, 2022
Commission Expires



POWER OF ATTORNEY (if owner is not the applicant)

Applicant states under oath that: (1) he/she is the executor or Attorney-in-fact under Power-of-Attorney for the owner (attach a copy of Power-of-Attorney letter); (2) he/she has an option to purchase said property (attach a copy of the contract); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease).

Not applicable
Type or Print Owner's Name

Owner's Signature

Date

Sworn and subscribed before me this ____ day of _____, _____

Notary Public

Commission Expires

(Seal)

Type or Print Applicant's Name

Applicant's Signature

Date

ATTORNEY / AGENT

CIRCLE ONE: Attorney Agent

William Woodson Galloway and Laurel David
Type or Print Attorney / Agent's Name


Attorney / Agent's Signature

The Galloway Law Group, 3500 Lenox Rd., Suite 760, Atlanta GA 30326
Address

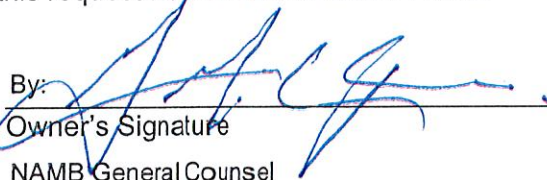
404-965-3680
Phone Number

laurel@glawgp.com
Email Address

AUTHORIZATION TO INSPECT PREMISES

I/we The North American Mission Board of the Southern Baptist Convention, Inc. am/are the owner(s) of the subject property, which is the subject matter of this application. I/we authorize the City of Clarkston to inspect the premises, which is the subject of this request for a Conditional Use Permit.

By: 
Type or Print Owner's Name

By: 
Owner's Signature
NAMB General Counsel

7/23/19
Date

LETTER OF INTENT
APPLICATION FOR CONDITIONAL USE PERMIT
CITY OF CLARKSTON, GEORGIA

The North American Mission Board of the Southern Baptist Convention, Inc. (the “Applicant”) requests a Conditional Use Permit (CUP) to construct athletic fields and other athletic facilities to support its mission and for church related activities on property it owns at 961 Rowland Street and 3673 Hill Street, Clarkston GA 30021 (Parcel Identification Numbers 18 096 10 002 and 003) (the “Property”). The Property is zoned to the NR-1, low-density neighborhood residential district, which allows places of assembly, including religious institutions, with approval of a CUP.

To the criteria established in the Zoning Ordinance of the City of Clarkston that are considered in the evaluation of applications for CUP’s, the Applicant responds as follows:

A. Whether the conditional use would be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;

The Property measures approximately 1.6 acres in area. The establishment of the athletic fields will provide green space for the enjoyment of the environment and properties in the vicinity. It will also provide a recreational area for the international and refugee community in addition to representatives from multiple churches to further the mission of the North American Mission Board’s Send Relief Compassion Ministry and supplement its work with job training and placement, computer literacy, and discovering opportunities for employment.

B. Whether the proposed conditional use would increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties;

The Applicant will retain ownership of the Property and will be responsible for its maintenance.

C. Whether the establishment of the conditional use would impede the normal and orderly development of surrounding property for uses predominant in the area; and

As a place of assembly accessory to a religious institution, the use is an allowed use within the NR-1 zoning with a CUP and will not adversely impact adjoining land uses. The adjacent property is used for a single family dwelling and a State Farm insurance office and will be buffered by landscaping and a new privacy fence. In addition, the fields and building are oriented to place the green space closer to the adjacent property and will be contained within the boundary of public right-of-way along three sides. Accordingly, the size, scale, and massing of the proposed use is

appropriate for the Property. The proposed use will not impede normal and orderly development of surrounding property for uses predominant in the area.

D. Whether the location and character of the proposed conditional use would be consistent with a desirable pattern of development for the locality in general.

The land to the northwest of the Property is used predominantly for religious and civic purposes. Land to the southeast of the Property is used predominantly for detached dwellings. Neighboring property to the south is used for a residential dwelling and a State Farm insurance office. As both single-family dwellings and places of assembly, including religious institutions, are allowed uses in the NR-1 district with a CUP, it is evident that these uses are compatible with one another.

The Future Land Use Map of the City of Clarkston assigns the Property to the Single Family land use category. However, the Clarkston 2040, the Comprehensive Plan Update proposes a Refugee Resettlement District for Clarkston as one of the most “popular big ideas” from the public engagement process (p. 42, et al.). The 2015 LCI study proposes that this district center at the intersection of Rowland and Market Streets, which is a busy intersection. The Applicant’s proposed use could provide the foundation for this district in an area that would be more pedestrian-friendly and closer to services for the refugees being provided or proposed on the northwest side of Rowland Street. The 2040 Comprehensive Plan also recommends “support services for refugees as one of its top seven priorities” (p.51). As such, the proposed use is consistent with this land use category and consistent with the stated desirable pattern of development for the locality in general.

Because the Applicant’s proposal is consistent with the foregoing criteria established by the City of Clarkston for the granting of CUP’s, the Applicant respectfully asks that Mayor and City Council approve the CUP as requested.

Sincerely,

THE GALLOWAY LAW GROUP, LLC



Laurel David
William Woodson Galloway
Attorneys for the Applicant

3500 Lenox Road NE, Suite 760
Atlanta, GA 30326
(404) 965-3680

Please return to:
JAMES W. CROCKER, P.C.
6400 POWERS FERRY ROAD
SUITE 200 ATLANTA, GEORGIA 30339
17-0202

2017167210 DEEDBOOK 26609 Pg 153

Real Estate Transfer Tax \$270.00

Filed and Recorded
11/20/2017 3:08:13 PM
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

STATE OF GEORGIA
COUNTY OF DEKALB

WARRANTY DEED

THIS INDENTURE made this 22nd day of **September, 2017**, between

LINDA L. STOREY,
as party or parties of the first part, hereinafter called Grantor, and

**THE NORTH AMERICAN MISSION BOARD OF THE SOUTHERN BAPTIST CONVENTION,
INC., a Georgia corporation,**

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

All that tract or parcel of land lying and being in Land Lot 96 of the 18th District of DeKalb County, Georgia, and being part of Lot 9 of the E. M. Kittredge Property, and being more particularly described as follows:

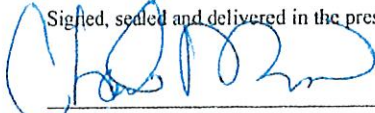
BEGINNING at a point on the Southeasterly side of Rowland Street 80 feet Northeasterly from the point where the Southeasterly side of Rowland Street intersects the Northeasterly side of Indian Creek Street; running thence Northeasterly along the Southeasterly side of Rowland Street a distance of 140 feet to a point; thence Southeasterly 190 feet to the Northwesterly side of Rogers Street; running thence Southwesterly along the Northwesterly side of Rogers Street 140 feet to a point; running thence Northwesterly 190 feet to the Southeasterly side of Rowland Street and the point of beginning. And being improved property known as No. 961 Rowland Street, according to the present system of numbering houses in DeKalb County, Georgia.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:



Witness



LINDA L. STOREY (Seal)



Notary Public
My commission expires





Summary

Parcel Number 18 096 10 002
 Location Address 961 ROWLAND ST
 CLARKSTON GA 30021
 Legal Description
 Property Class R3 - RESIDENTIAL LOT
 Neighborhood 0660
 Tax District 34
 Millage Rate 54.218
 Approximate/Computed Acres 0.7
 Homestead N

[View Map](#)

Owner

[North American Mission Board Of The Southern Baptist Convention Inc](#)
 4200 NORTH POINT PKWY
 ALPHARETTA GA 30022

Land

Land Type	Land Code	Description	Square Feet	Acres	Price
G	2	SITE VALUE	0	0.000	33,220

Total Acres: 0.0000
 Total Land-Value: 33,220

Residential Improvement Information

Card	1	Attic	NONE
Stories	1.5	Additional Fixtures	2
Exterior Wall	WOOD FRAME	Heating System	
Style	SINGLE FAMILY RESIDENTIAL	Heat	CENTRAL
Year Built	1928	Total Fixtures	8
Res Sq Ft	1829	Masonry Fireplaces	0
Basement	SEE ADDITIONS	Heating Fuel Type	
Finished Bsmt Sqft	0	Pre Fab Fireplace	0
Total Rooms	0	Miscellaneous Feature	
Bedrooms	3	Miscellaneous Feature 2	
Full Bath/Half Bath	2/0		

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Qualification	Sales Validity	Owner	Previous Owner	Recording
9/22/2017	\$270,000	WD	26609	00153	Unqualified	To or From Church or Charity	NORTH AMERICAN MISSION BOARD OF THE STOREY LINDA L.	STOREY LINDA L.	26609 00153
8/15/2017	\$0		26609	00152	Unqualified	Gift	STOREY LINDA L.	MORROW CHARLES BUTLER	26609 00152
6/1/2017	\$0	WD	26335	00100	Unqualified	Gift	MORROW CHARLES BUTLER	STOREY DANNY R	26335 00100
4/25/2003	\$0	EX	14530	00337	Unqualified	Estate Exec Admin Deed	STOREY DANNY R	STOREY THELMA RUTH	14530 00337
3/29/1973	\$0	AD	02978	00402	Qualified	Valid Sale FMV			02978 00402

Valuation

	2018	2017	2016
LUC	101	101	101
Class	R3	R3	R3
+ Land Value	\$33,200	\$33,200	\$33,200
+ Building Value	\$87,800	\$67,500	\$29,600
= Total Value	\$121,000	\$100,700	\$62,800
Assessed Value	\$48,400	\$40,280	\$25,120

Recent Sales In Area

No data available for the following modules: Commercial Improvement Information, Accessory Information, Photos, Sketches.

Last Data Upload: 4/13/2019, 6:03:29 PM

Version 2.2.16



AFTER RECORDING, RETURN ORIGINAL TO:

NORTH AMERICAN MISSION BOARD OF THE SOUTHERN BAPTIST CONVENTION, INC. 4200 NORTH POINT PARKWAY ALPHARETTA, GA 30022

2018131329 DEED BOOK 27053 Pg 130 Filed and Recorded: 7/27/2018 3:44:45 PM Debra DeBarr Clerk of Suprem Court DeKalb County, Georgia Real Estate Transfer Tax \$600.00

PREPARED BY:

JAMES W. CROCKER, PC 6400 POWERS FERRY RD., SUITE 200 ATLANTA, GEORGIA 30339 770-226-8600 File # 18-0136

STATE OF GEORGIA COUNTY OF DEKALB

TAX PARCEL # 18-096-10-003

WARRANTY DEED

THIS INDENTURE made this 25th day of July, 2018, between

MICHAEL S. SAENGER and SHERYL SAENGER,

as party or parties of the first part, hereinafter called Grantor, and

THE NORTH AMERICAN MISSION BOARD OF THE SOUTHERN BAPTIST CONVENTION, INC.,

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF CLARKSTON AND BEING IN LAND LOT 97 OF THE 18TH DISTRICT OF ORIGINALLY HENRY, NOW DEKALB COUNTY, GEORGIA, AND KNOWN AS LOT 10 OF THE ORIGINAL MCLENDON PROPERTY, AS PER PLAT RECORDED IN DEED BOOK PP, PAGE 424, DEKALB COUNTY, GEORGIA RECORDS.

COMMENCING AT THE SOUTHEAST CORNER OF HILL STREET AND ROWLAND STREET AND RUNNING SOUTH ALONG THE SOUTHWEST SIDE OF HILL STREET 198 FEET TO ROGERS STREET; THENCE SOUTHWEST ALONG THE NORTHWEST SIDE OF ROGERS STREET 220 FEET; THENCE NORTHWEST, PARALLEL WITH HILL STREET, 198 FEET TO ROWLAND STREET; THENCE NORTHEAST ALONG THE SOUTHEAST SIDE OF ROWLAND STREET 220 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED BY WARRANTY DEED RECORDED IN DEED BOOK 7708, PAGE 733, DEKALB COUNTY, GEORGIA RECORDS.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

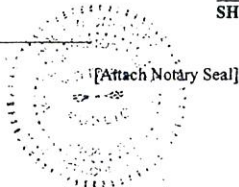
Witness Caleb M. Saenger

MICHAEL S. SAENGER (Seal)

SHERYL SAENGER (Seal)

Notary Public

My commission expires:





Summary

Parcel Number 18 096 10 003
 Location Address 3673 HILL ST
 CLARKSTON GA 30021
 Legal Description
 Property Class R3 - RESIDENTIAL LOT
 Neighborhood 0660
 Tax District 34
 Millage Rate 54.218
 Approximate/Computed Acres 1
 Homestead Y

[View Map](#)

Owner

Saenger Michael
 Saenger Sheryl
 3673 W HILL ST
 CLARKSTON GA 30021 1210

Land

Land Type	Land Code	Description	Square Feet	Acres	Price
G	2	SITE VALUE	0	0.000	40,140

Total Acres:
0.0000
 Total Land-Value:
40,140

Residential Improvement Information

Card	1	Attic	
Stories	1.5	Additional Fixtures	2
Exterior Wall	WOOD FRAME	Heating System	
Style	CONVENTIONAL	Heat	CENTRAL WITH A.C
Year Built	1900	Total Fixtures	11
Res Sq Ft	2604	Masonry Fireplaces	1
Basement	PART	Heating Fuel Type	
Finished Bsmt Sqft	0	Pre Fab Fireplace	0
Total Rooms	0	Miscellaneous Feature	
Bedrooms	4	Miscellaneous Feature 2	
Full Bath/Half Bath	3/0		

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Qualification	Sales Validity	Owner	Previous Owner	Recording
7/25/2018	\$600,000	WD	27053	00130	Unqualified	To or From Church or Charity	NORTH AMERICAN MISSION BOARD OF THE	SAENGER MICHAEL S	27053 00130
6/15/2007	\$210,000	WD	20068	00261	Unqualified	Sales from Bank	SAENGER MICHAEL S OR	HOMECOMINGS FINANCIAL LLC	20068 00261
2/6/2007	\$227,900	DP	19764	00528	Unqualified	Foreclosure or Bankruptcy	HOMECOMINGS FINANCIAL LLC	TUTTLE CURTIS W	19764 00528
6/8/1993	\$96,000	WD	07708	00733	Qualified	Valid Sale FMV	TUTTLE CURTIS WADE OR	FLOWERS LOIS PERRIN	07708 00733
2/8/1977	\$0	AD	03630	00113	Qualified	Valid Sale FMV			03630 00113

Valuation

	2018	2017	2016
LUC	101	101	101
Class	R3	R3	R3
+ Land Value	\$40,100	\$40,100	\$40,100
+ Building Value	\$228,100	\$144,700	\$58,800
= Total Value	\$268,200	\$184,800	\$98,900
Assessed Value	\$107,680	\$73,920	\$39,560

Recent Sales In Area

No data available for the following modules: Commercial Improvement Information, Accessory Information, Photos, Sketches.

Last Data Upload: 4/13/2019, 6:03:29 PM

Version 2.2.16



CONSTITUTIONAL OBJECTIONS
APPLICATION FOR CONDITIONAL USE PERMIT
CITY OF CLARKSTON, GEORGIA

Georgia Law and the procedures of the City of Clarkston require us to raise Federal and State Constitutional objections during the CUP application approval process. While the Owner/Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Owner/Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Zoning Ordinance of the City of Clarkston, Georgia, as applied to the Property, that would result in a denial of the CUP application as requested by the Owner/Applicant, are, or would be, unconstitutional in that they would destroy the Owner/Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the Code of the City of Clarkston or the City of Clarkston Zoning Ordinance to the Property which restricts its use to any use in a manner other than that requested by the Owner/Applicant is unconstitutional, illegal and null and void because such an application constitutes a taking of the Owner/Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States because such an application denies the Owner/Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application or approval subject to conditions which differ from those proposed by the Owner/Applicant, would also violate the Religious Land Use and Institutionalized Persons Act by imposing a substantial burden on the exercise of religion without a compelling government interest or without using the least restrictive means possible of furthering a compelling governmental interest.

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

A refusal to grant the CUP application as requested by the Owner/Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between

the Owner/Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the CUP application subject to conditions that are different from the conditions requested by the Owner/Applicant, to the extent such different conditions would have the effect of further restricting the Owner/Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

In addition, this constitutes formal written notice to the City of Clarkston, pursuant to O.C.G.A. § 36-33-5, that the Owner/Applicant plans to seek to recover all damages that it sustains or suffers as a result of the denial of this Application and/or the unconstitutional zoning of the Property by the City of Clarkston. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Property, attorneys' fees and expenses of litigation.

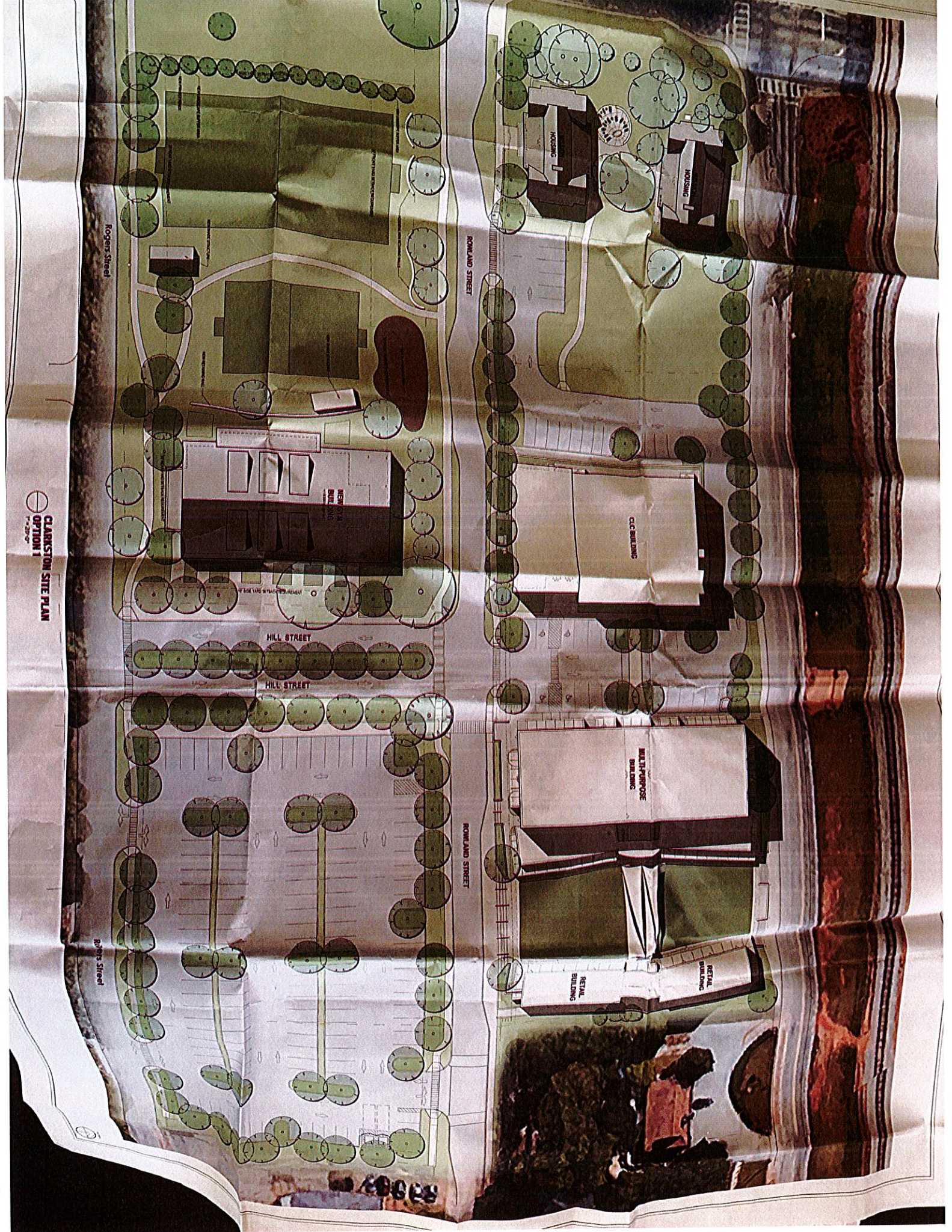
Accordingly, the Applicant respectfully requests that the City Council of the City of Clarkston grant the CUP application as requested by the Applicant.

THE GALLOWAY LAW GROUP, LLC

A handwritten signature in blue ink that reads "Laurel David". The signature is written in a cursive style.

William Woodson Galloway
Laurel David
Attorneys for Applicant

3500 Lenox Road NE, Suite 760
Atlanta, Georgia 30326
(404) 965-3680



Rogers Street

ROWLAND STREET

HILL STREET

HILL STREET

ROWLAND STREET

Rogers Street

CLARKSTON SITE PLAN
OPTION 1

RETAIL BUILDING
RETAIL BUILDING

MULTI-PURPOSE BUILDING

CIC BUILDING

HOUSING

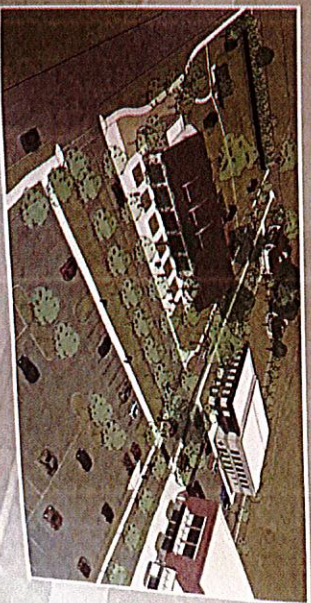
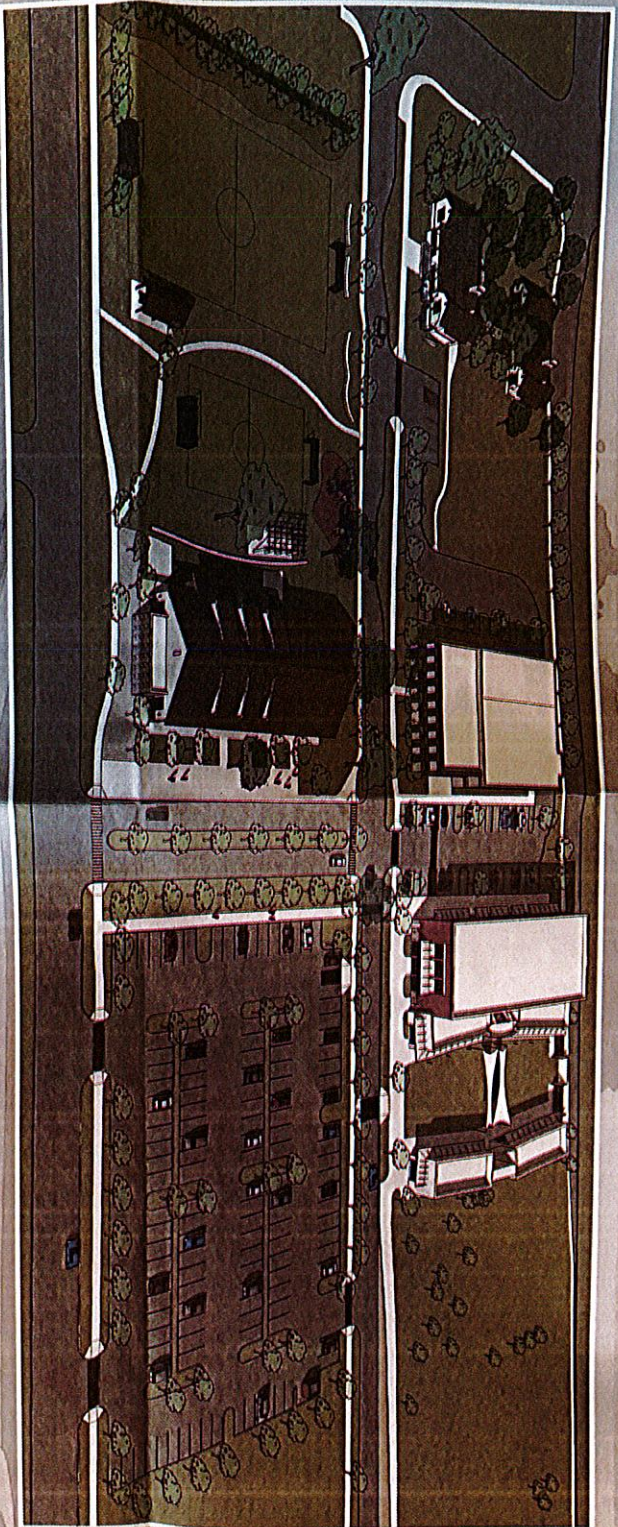
HOUSING

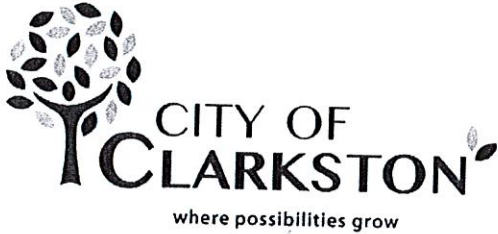
83987

Clarkston South of Rowland Proposed Development

Option 1 - Hill Street Remaining

May 13, 2019





CITY OF CLARKSTON
CONDITIONAL USE PERMIT APPLICATION

Date Received: 11/11/2019

APPLICANT INFORMATION

APPLICANT NAME: ABDULKADIR MCHAMMED DINE
ADDRESS: 355320044 3596 Sandy Woods Ln Stone Mountain Ga 30083
PHONE: 4049449176 CELL: 4049449176 FAX: 770-270-5995
EMAIL ADDRESS: BRVAAUTOBROKERS@gmail.com

OWNER INFORMATION (If different from Applicant)

OWNER NAME: _____
ADDRESS: _____
PHONE: _____ CELL: _____ FAX: _____
EMAIL ADDRESS: _____

PROPERTY INFORMATION (attach legal description)

ADDRESS: 1352 Bocket RD Clarkston GA 30024
PARCEL ID#: 1814308011 LAND LOT: 26190 DISTRICT: Clarkston A11X

CONDITIONAL USE PERMIT REQUEST

CURRENT ZONING: NC-2 CURRENT LAND USE: Repair & emission
PROPOSED LAND USE: Used car sales

DESCRIPTION OF USE (ex.: number of employees, details of operation, etc.): 4 employees
Used car sales MAX 15 vehicles and
Repair and emission

To: City of Clarkston

Sub: Conditional use permit application

11/25/2019

My application in regards conational use permit of 1352 Brockett Rd as use car dealership is currently operated as a mechanic, emission, and tire shop. The used car dealership is an addition, no construction is needed. The conditional use would not be injurious to the use and enjoyment of the environment or the property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood

The proposed conational use will not increase State and Local expenditure in relation to the cost of servicing or maintaining neighborhood properties

In addition the conational use will not impede the normal and orderly development of surrounding properties for those predominant in the area, and the location and the character of the proposed conditional use will be consistent with the desirable pattern of the development of the locality

Sincerely

Abdukadir Dine

Banadir auto dealer llc

CERTIFICATION OF OWNERSHIP

I hereby certify that I am the owner of the property shown on the attached plat, described in the attached legal description, and identified as follows: Please See attached Deed.

AbdulKadir M DINE
Type or Print Owner's Name (on behalf of Barclay Auto Brokers LLC.)

Owner's Signature

11/12/2019
Date

Sworn and subscribed before me this 12th day of November, 2019

Notary Public

04/26/22
Commission Expires



Sadia A. Ali
NOTARY PUBLIC
DeKalb County, Georgia
My Commission Expires
April 26, 2022

(Seal)

POWER OF ATTORNEY (if owner is not the applicant)

Applicant states under oath that: (1) he/she is the executor or Attorney-in-fact under Power-of-Attorney for the owner (attach a copy of Power-of-Attorney letter); (2) he/she has an option to purchase said property (attach a copy of the contract); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease).

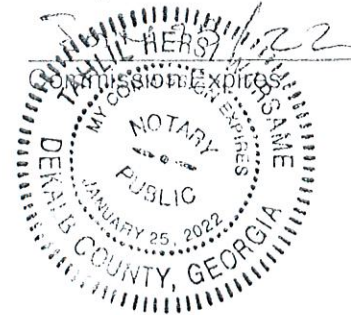
AbdulKadir M DINE
Type or Print Owner's Name

Owner's Signature

11/25/2019
Date

Sworn and subscribed before me this 25 day of November, 2019

Notary Public



(Seal)

AbdulKadir M DINE
Type or Print Applicant's Name

Applicant's Signature

11/25/2019
Date

ATTORNEY / AGENT

CIRCLE ONE: Attorney Agent

Type or Print Attorney / Agent's Name

Attorney / Agent's Signature

Address

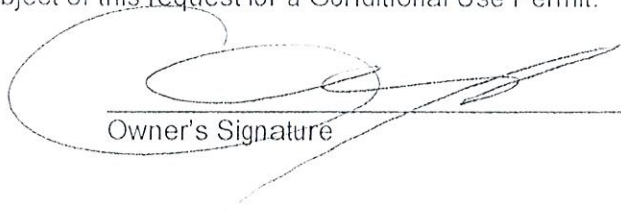
Phone Number

Email Address

AUTHORIZATION TO INSPECT PREMISES

I/we Banadir Auto Brokers, LLC am/are the owner(s) of the subject property, which is the subject matter of this application. I/we authorize the City of Clarkston to inspect the premises, which is the subject of this request for a Conditional Use Permit.

Abdulqadir M DINE
Type or Print Owner's Name (on behalf of Banadir Auto Brokers, LLC.)



Owner's Signature

11/12/2019
Date

Record and Return to:
Weissman PC
One Alliance Center, 4th Floor
3500 Lenox Road
Atlanta, GA 30326

File No.: CM104-19-0093

Parcel ID: 18 143 08 011

----- SPACE ABOVE THIS LINE FOR RECORDING DATA -----

RECORDING COVER SHEET

GRANTOR: Carl Myers
GRANTEE: Banadir Auto Brokers LLC, a Georgia Limited Liability Company
DATE OF INSTRUMENT: June 21, 2019
TYPE OF INSTRUMENT Limited Warranty Deed

To the Clerk of Dekalb County, Georgia:

NOTE: This cover page is incorporated herein and made a part of this document.

Record and Return to:
Weissman PC
5909 Peachtree Dunwoody Road, Suite 100
Atlanta, GA 30328

File No.: CM104-19-0093

LIMITED
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FULTON

THIS INDENTURE, made this 21 day of June, 2019, between Carl Myers, as party or parties of the first part, hereinunder called Grantor, and **Banadir Auto Brokers LLC**, a Georgia Limited Liability Company as party or parties of the second part, hereinunder called Grantee, (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS AND NO/100 (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

See Exhibit "A" attached hereto.

This Deed is given subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, only to the proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by, through and the above named grantor.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, on the date and year above written.

Signed, sealed and delivered
in the presence of:

[Handwritten Signature]

Unofficial Witness

[Handwritten Signature]

Notary Public

My Commission Expires:

11-15-23

[Handwritten Signature]

Carl Myers

(Seal)



EXHIBIT "A"

Legal Description

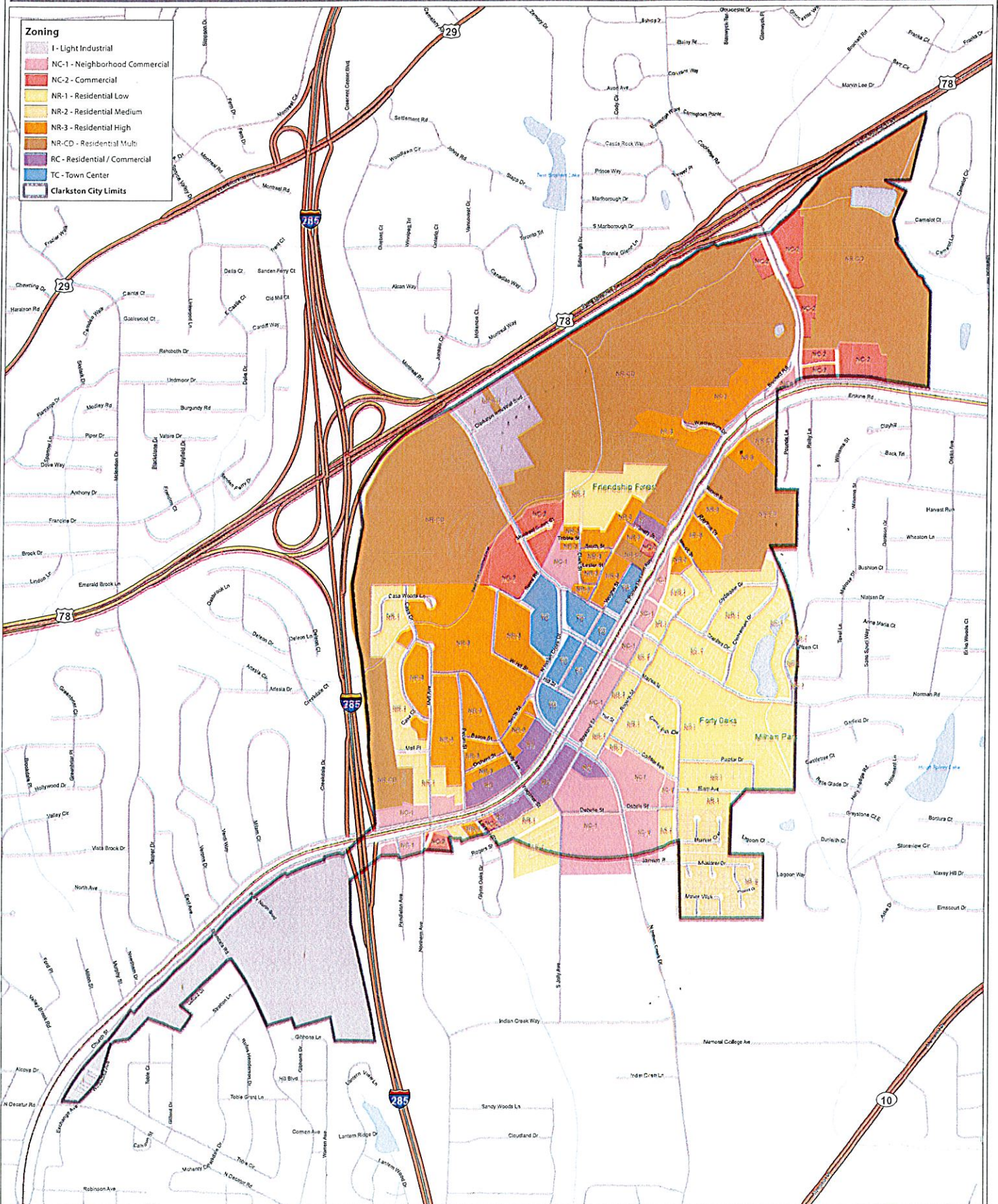
File No.: CM104-19-0093

All that tract or parcel of land lying and being in Land Lot 143 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows: BEGINNING at the southwesterly right-of-way of Brockett Road and the southeasterly right-of-way of U.S. Highway 78 (also known as Stone Mountain Freeway); thence proceeding in a southeasterly direction a distance of 341.67 feet to a point, said point being THE TRUE POINT OF BEGINNING. Thence South 25 degrees 27 minutes 05 seconds East for a distance of 141.09 feet to a point; thence South 64 degrees 37 minutes 31 seconds West a distance of 190.54 feet to a point; thence North 25 degrees 54 minutes 03 seconds West for a distance of 141.04 feet to a point; thence North 64 degrees 36 minutes 26 seconds East for a distance of 191.65 feet to a point, said point being THE TRUE POINT OF BEGINNING. Said property contains 0.62 acre. Parcel ID Number: 18 143 08 011. Subject to any Easements or Restrictions of Record.

The above described property is the same property as shown on that certain Limited Warranty Deed dated August 3, 2001, recorded August 13, 2001 in Deed Book 12372, Page 94, and in the Warranty Deed dated April 14, 1998, recorded April 24, 1998, in Deed Book 9960, Page 261, Gwinnett County, Georgia Records.

ZONING - CITY OF CLARKSTON, GA

- 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
 - Clarkston City Limits



ADOPTED: January 1, 2016



LAND USE //

Through our findings the Project Team simplified the land use categories and minimized them to five for ease of use and clarity. The previous Comprehensive Plan applied Character Areas to the Future Land Use Plan. The most common theme of the engagement was the desire for Mixed Use in the core. Through the color exercise at Planning Forum #1 the Project Team developed the Future Land Use map on the opposite page.

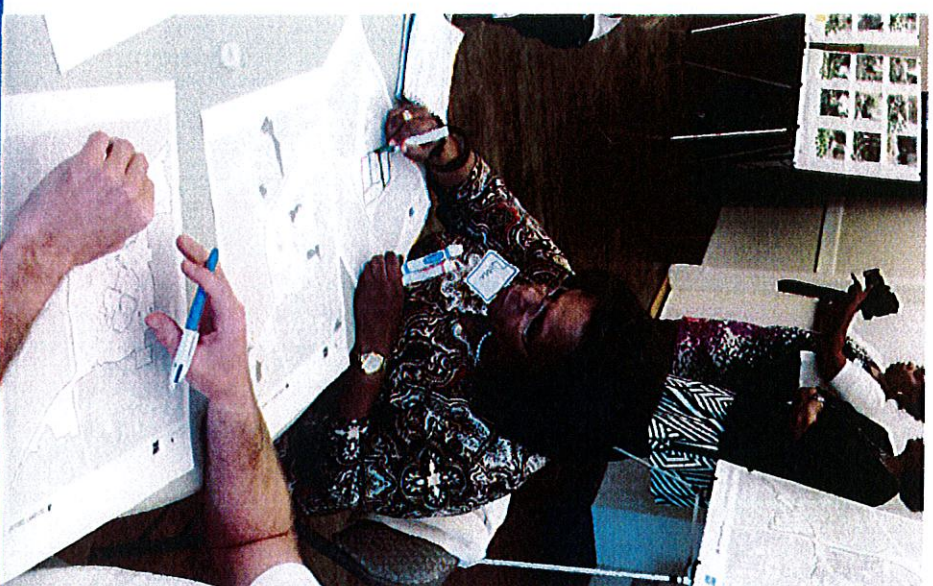
Proposed Policies //

- Encourage mixed-use developments in the downtown core and annexed outer nodes
- Develop a civic space that includes a Town Green, amphitheater and water feature within the downtown core
- Beautify the rail corridor

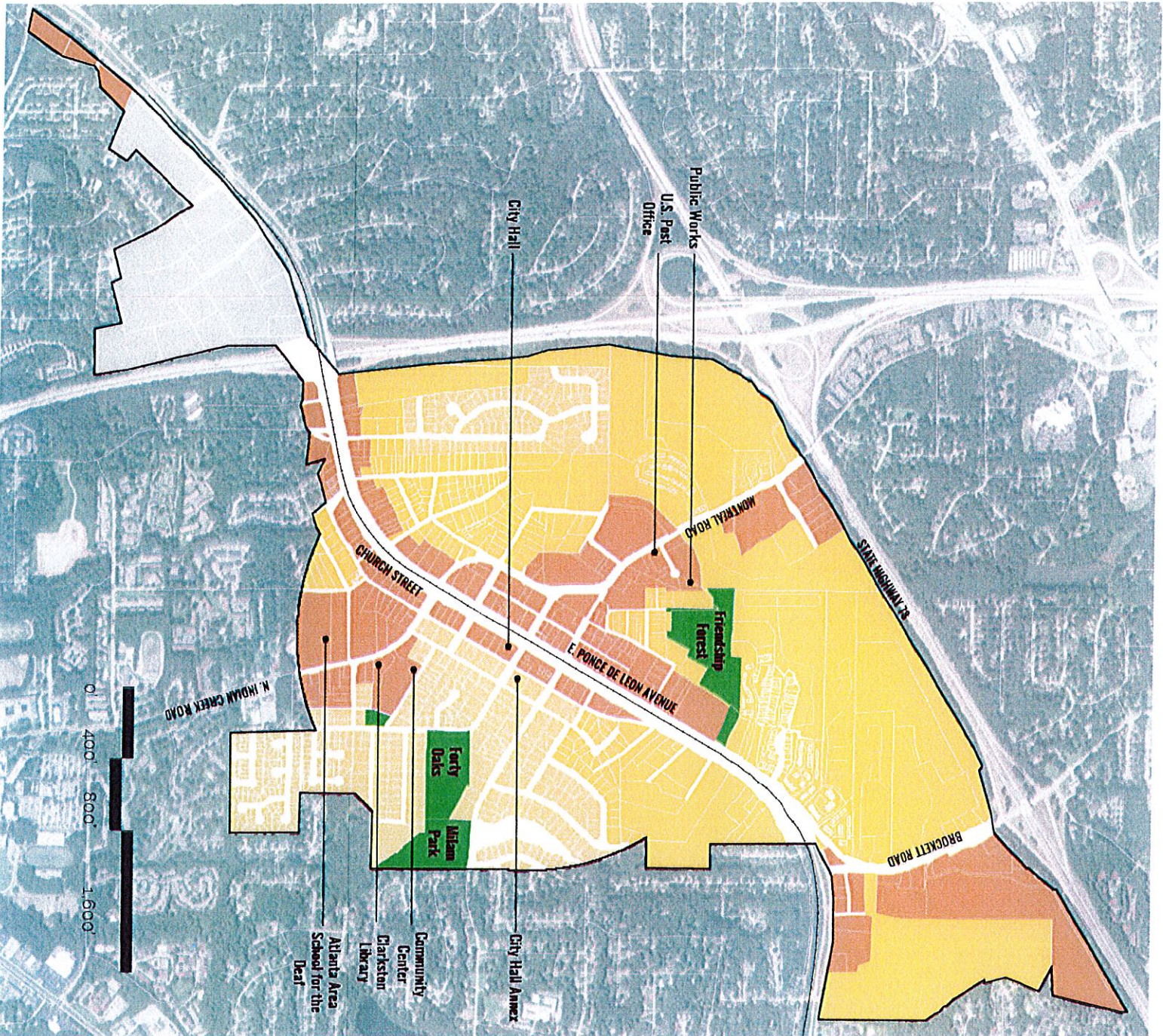
Proposed Future Land Use Designations //

- Mixed Use: A mix of diverse uses including multi-family housing, commercial, office, and urban compatible industrial uses (maker spaces, manual crafts and breweries). The community desires both vertical

- and horizontal mixes of uses to match the historic development character of the City.
- Single Family Areas: This designates areas for preservation of single family homes, both historic as well as new development. Townhomes and single family homes are allowed in this area.
- Traditional Neighborhood Development: These areas are designated to nurture traditional neighborhood development patterns and housing types. This includes walkable areas of single family homes, duplexes and triplexes, cottage courtyard housing, 4-6 unit walk-up apartment buildings, and townhouses.
- Industrial: Non-nuisance light industrial uses.
- Parks/Open Spaces: This includes all passive and active public spaces.



Top Right: Community members at Planning Forum #1 coloring their Future Land Use and Parks maps. (TSW)

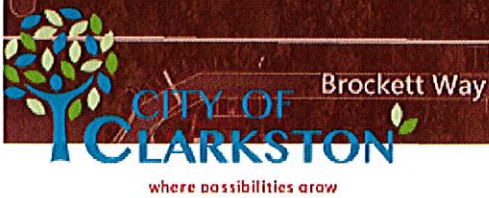
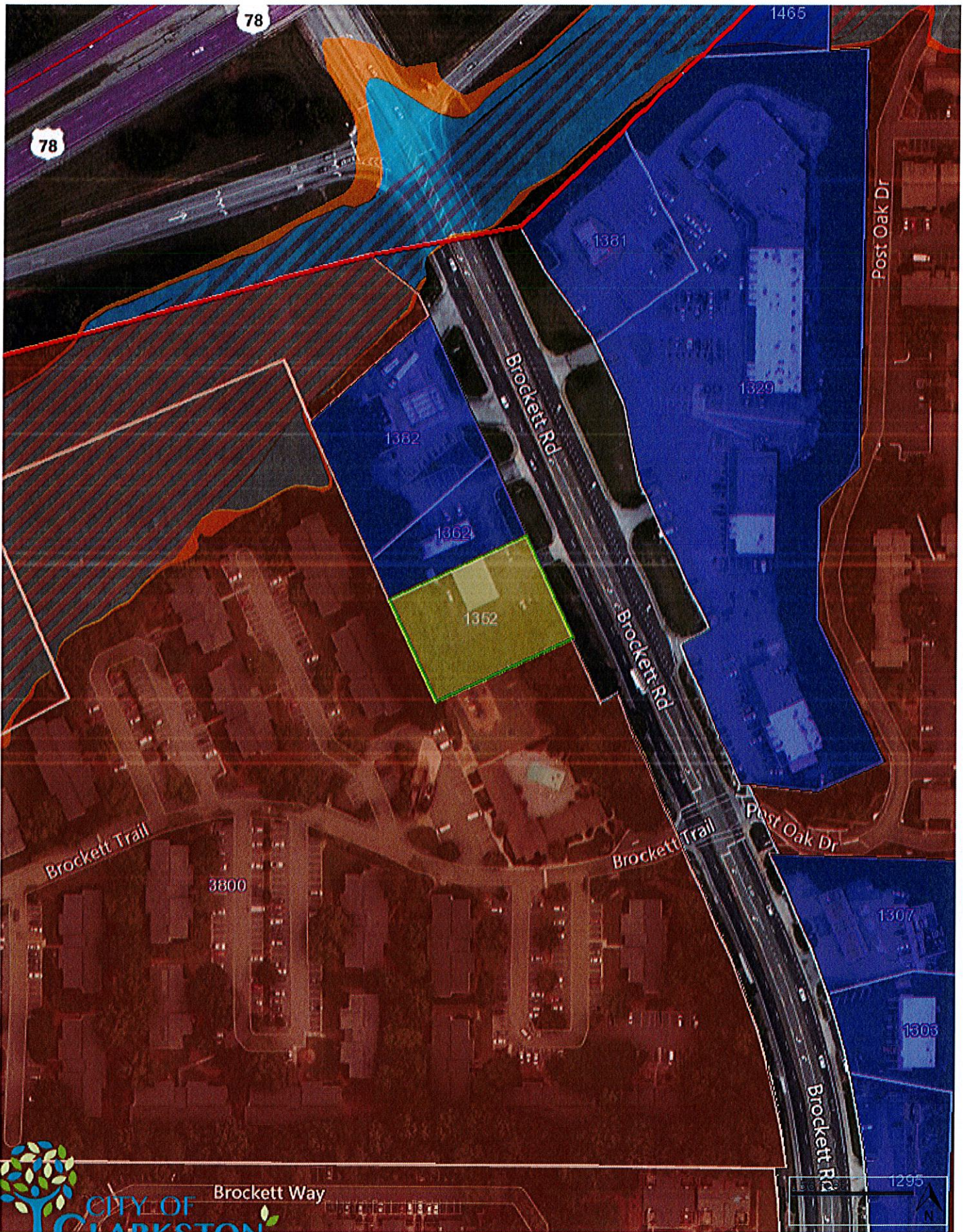


FUTURE LAND USE //

Legend

- Medium-Density Residential
- Traditional Single-Family Residential
- Parks/Open Space
- City Center/Urban Core





REFERENCES

PARCEL ID # 18-143-08-011

FLOOD NOTE

NO PORTION OF THE SUBJECT PROPERTY SHOWN
HERON LIE WITHIN A FLOOD HAZARD AREA PER F.E.M.A MAP

TOTAL AREA

0.62 ACRES

26,790SQ FT

THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS,
SUBSURFACE CONDITIONS OR OTHER MATTERS OF TITLE WHICH ARE NOT
VISIBLE, NOT RECORDED OR NOT DISCLOSED IN THE TITLE COMMITMENT
PROVIDED BY THE OWNER, THE PURCHASER, OR ANY AGENTS THEREOF.

PARKING

TOTAL EX. PARKING 19

TRACT DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 143 OF 18
DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY RIGHT-OF- WAY
OF BROCKETT ROAD AND THE SOUTHEASTERLY RIGHT-OF-WAY U.S. HIGHWAY 78
(ALSO KNOWN AS STONE MOUNTAIN FREEWAY); THENCE PROCEEDING IN A
SOUTHEASTERLY DIRECTION A DISTANCE OF 341.67 FEET TO A POINT, SAID POINT
BEING THE TRUE POINT OF BEGINNING. THENCE SOUTH 25 DEGREES 27 MINUTES 05
SECONDS EAST FOR A DISTANCE OF 141.09 FEET TO A POINT; THENCE SOUTH
64 DEGREES 37 MINUTES 31 SECONDS WEST A DISTANCE OF 190.54 FEET TO
A POINT; THENCE NORTH 25 DEGREES 54 MINUTES 03 SECONDS WEST FOR A
DISTNACE OF 141.04 FEET TO A POINT; THENCE NORTH 64 DEGREES 36 MINUTES
26 SECONDS EAST FOR A DISTANCE OF 191.65 FEET TO A POINT; SAID POINT BEING
THE TRUE POINT OF BEGINNING. SAID PROPERTY CONTAINS 0.62 ACRE. PARCEL
ID NUMBER 18 143 08 011. SUBJECT TO ANY EASEMENT OR RESTRICTIONS OF
RECORD.

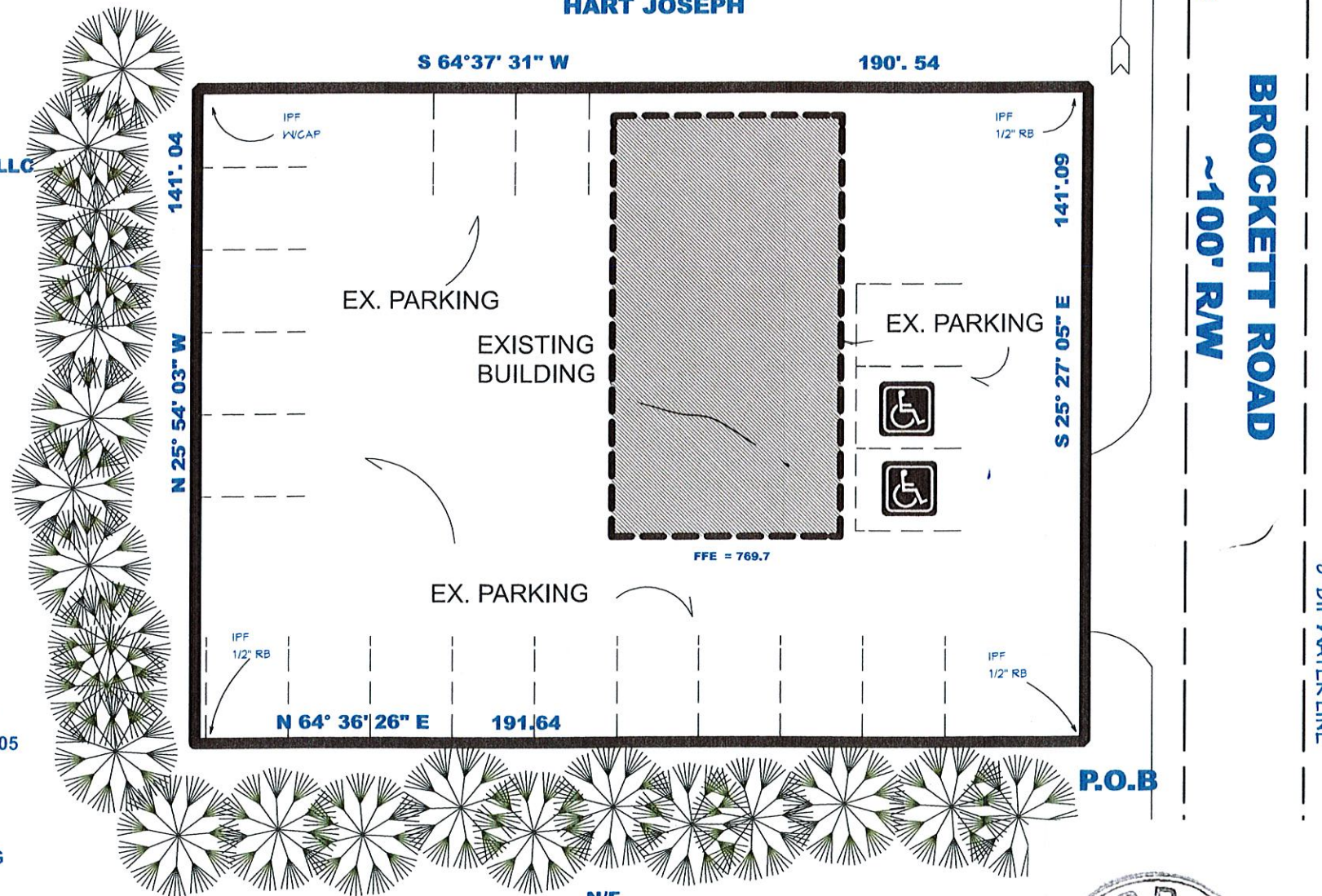
THE ABOVE DESCRIBED PROPERTY IS THE SAME PROPERTY AS SHOWN ON THAT
CERTAIN LIMITED WARRANTY DEED DATED AUGUST 3, 2001 , RECORDED AUGUST
13, 2001 IN DEED BOOK 12372, PAGE 94 AND IN THE WARRANTY DEED DATED APRIL 14,
1998, RECORDED APRIL 24, 1998, IN DEED BOOK 9960, PAGE 261, GWINNETT
COUNTY, GEORGIA RECORDS.

TAX DISTRICT 34 A, CLARKSTON ANNEX

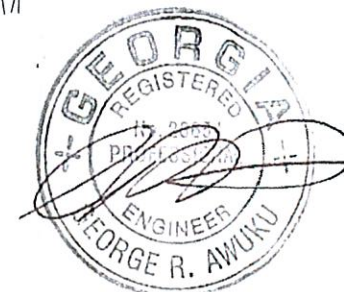
N/F
SPRINGDALE
GLEN PARTNERS, LLC

N/F
HART JOSEPH

N/F
SPRINGDALE
GLEN PARTNERS, LLC



ENGINEER:
GEORGE AWUKU, P.E
5341 THOMPSON BRIDGE RD
STE 58
MURRAYVILLE, GA 30564
PHONE: (404) 597 - 6745



PAGE
1
OF 1

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
SITE PLAN

BANADIR AUTO BROKER, LLC
1352 BROCKETT ROAD
CLARKSTON, GA 30021

DATE	11/18/19
SCALE:	1" = 30'
SHEET:	