

**JULY 16, 2013 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 4**

**ITEM # 4**

**PURPOSE**

To consider amending the zoning stipulations relating to Z-19 of 2011 (Angelyn Clay Walker), for property located at the northeast corner of Clay Road and Austell Road in Land Lots 1140 and 1141 of the 19<sup>th</sup> District.

**BACKGROUND**

The subject property was approved for a fruit stand, carwash and retail sales of high school logo items on June 17, 2011. The applicant would like to amend some of the zoning conditions to expand the allowable uses on the property. The applicant would like to sell nursery items such as plants, trees and shrubs, including pumpkins and Christmas trees during the holiday seasons. The applicant would add an awning on the Austell Road side of the building to display and protect the plants; this awning would be 20 feet wide and 105 feet long. The applicant would also like to sell food items and holiday decorations. Lastly, the applicant would like to remove the prohibition on outdoor storage so they can sell the items above. The applicant has submitted a letter entitled “Request to be added to Stipulation”, which outlines their request. If approved, all previous zoning stipulations would remain in effect.

**FUNDING**

N/A

**RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation amendment.

**ATTACHMENTS**

Other Business application and zoning stipulations.

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# Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 7-16-2013

Applicant: Angelyn Clay Walker Phone #: 770 827 6257  
(applicant's name printed)

Address: 4937 Austen Rd, Austell E-Mail: SMADAMS1101@gmail.com

Shelia M. Adams Address: 4968 Austen Rd, Suite 132, Austell 30106  
(representative's name, printed)

Shelia M. Adams Phone #: 770827-6255 E-Mail: SMADAMS1101@gmail.com  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: 8/27/2015  
Notary Public

Titleholder(s): Angelyn Clay Walker Phone #: 770 827 6257  
(property owner's name printed)

Address: 1837 Seaves Rd, Austell 30106 E-Mail: EWALKER1927@gmail.com

Angelyn clay Walker  
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: 8/27/2015  
Notary Public

Commission District: 4th Zoning Case: 2-19

Date of Zoning Decision: 2/17/11 Original Date of Hearing: 6/17/11

Location: 4937 Austen Rd, Austell, GA 30106  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 1140 + 1141 District(s): 19

State specifically the need or reason(s) for Other Business:  
Remove Special Steps. Please see  
attached list

(List or attach additional information if needed)



**PROPERTY MANAGEMENT UNLIMITED, INC.**

**4968 Austell Road, Suite 132**

**Austell, Georgia 30106**

**Ph: 770-941-7745 Ph: 770-944-9157**

**Fax: 770-941-8428**

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Request to be added to Stipulation

1. Per survey there is 23' on Clay Rd. of clearance from awning to set back so we getting drawing to 20' out with canopy for plants display.
2. Sell all and any food products and items
3. Sell plants, bushes and small trees
4. Sell pumpkins and any Halloween decorations
5. Sell Christmas trees and related decorations
6. Anything under building addition on front and under awning considered in the right to display
7. We have plant license from state
8. We are waiting on food sales license from state
9. Sell neatly stacked firewood during season
10. Remove no outside storage, so we can do request outside display

PLAT OF SURVEY FOR

# ANGELYN CLAY WALKER

LOCATED IN LAND LOTS 1140 AND 1141,  
19TH DISTRICT, 2ND SECTION,  
COBB COUNTY, GA

4937 AUSTELL ROAD  
F.K.A. 1950 CLAY ROAD

AREA • 0.719 ACRES  
31,305 SQ. FT.

**NOTE:**

PROPOSED CANOPY AREA = 2,100 SQ. FT. TO BE  
INSTALLED ABOVE EXISTING PAVING THEREFORE  
CREATING NO INCREASE IN IMPERVIOUS AREA.

**REFERENCES:**

CORRECTIVE WARRANTY DEED TO ANGELYN CLAY  
WALKER RECORDED IN DEED BOOK 6434, PAGE 64.  
COBB RIGHT-OF-WAY DEED RECORDED IN DEED BOOK  
5724, PAGE 194.

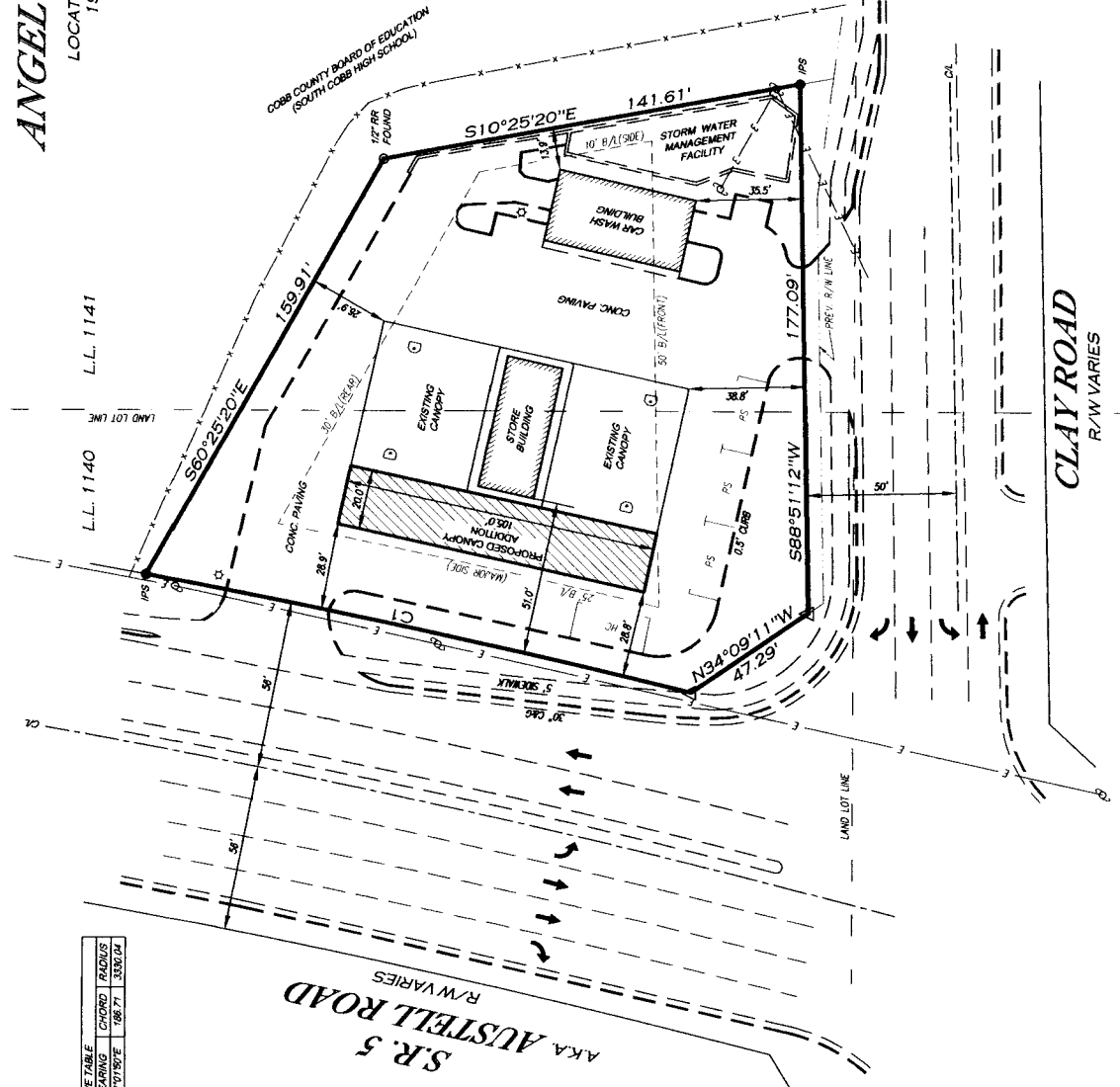
*Proposed Plan  
received 6-11-13  
Zoning Division*

DATE	DESCRIPTION
08/10/2013	ADD PROPOSED CANOPY



**THE RUSSELLE COMPANY**  
PROFESSIONAL LAND SURVEYORS  
2981 POWDER SPRINGS ROAD  
MARIETTA, GEORGIA 30064  
(770) 943-5803  
E-MAIL: BEN@RUSSELLE.COM

PROJ. NO. C08123 FILE: C08123.dwg  
FIELD SURVEY DATE: 03/16/2011 SCALE: 1" = 30'  
PLAT DATE: 08/10/2013



CURVE	LENGTH	BEARING	CHORD	RADIUS
C1	168.74	N12°01'50"E	168.71	3330.04



**SURVEY NOTES:**

THERE MAY BE UNDERGROUND UTILITIES THAT ARE NOT SHOWN.  
THERE IS A 20' NON-DISTURBANCE BUFFER (W/IN WATER STREAMS) AND A 50' NON-DISTURBANCE BUFFER (W/IN CREEKS) AROUND THE ENTIRE BODY OF WATER MANAGED BY THE STATE AND THERE MAY BE ENHANCED BUFFERS PLACED ON THESE WATERS BY COUNTIES OR LOCALITIES. THESE BUFFERS SHOULD BE MAINTAINED AND NOT DISTURBED BEFORE BEGINNING ANY DISTURBANCE NEAR THESE AREAS.  
THIS PLAT WAS PREPARED FOR EXCLUSIVE USE BY THE PERSONS AND/OR ORGANIZATIONS NAMED HEREON. THIS PLAT DOES NOT EXTEND TO OTHERS WITHOUT THE PERMISSION OF THE SURVEYOR.  
ORIGINAL PLATS, NOTES AND OTHER DRAWINGS PREPARED BY THE SURVEYOR ARE THE PROPERTY OF THE SURVEYOR. ELECTRONIC FILES, BE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF THE SURVEYOR.  
BUILDING SETBACKS ARE SHOWN, BUT A VERIFICATION OF THESE SETBACKS SHOULD BE OBTAINED FROM COBB COUNTY ZONING BEFORE ANY ADDITIONAL PERMITTING.

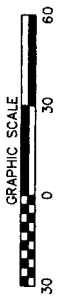
**LEGEND**

- CORNER MONUMENTATION:
  - = CORNER SET WITH A 1/2" STEEL REINFORCING ROD
  - = CORNER FOUND
  - △ = UNMONUMENTED CORNER
  - = CORNER TO BE SET WHEN CONSTRUCTION PERMITS
- X — X — FENCE LINE
- RR = STEEL REINFORCING ROD
- CTP = CRIMPED TOP WATER PIPE
- G — G — GAS MAINS
- BL = BUILDING LINE
- W — W — RIGHT OF WAY
- LL.L. = LAND LOT LINE
- W — W — OVERHEAD POWER LINES
- W — W — GAS MAINS
- G — G — SANITARY SEWER MAIN
- NP = NOW OR FORMERLY OWNED BY
- NFB = NAIL FOUND AT BASE
- D.B. = DEED BOOK
- W — W — RIGHT OF WAY MONUMENT
- = LIGHT POLE
- PS = PARKING SPACE
- HC = HANDICAP PARKING SPACE

**FLOOD STATEMENT**

I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO. 1307C0202G EFFECTIVE DATE, DECEMBER 18, 2008. THE MAP GRAPHICALLY DEPICTS THE SUBJECT PARCEL IN ZONE X-1. THERE IS AN AREA ABOVE THE 100 YEAR FLOOD ZONE.

TECHNICAL DATA  
SCALE: 1" = 30'  
ANGLE REPRODUCTION: 1/32" = 1/32"  
SURVEY ADJUSTMENT: LEAST SQUARES  
EQUIPMENT: TOPCON GPT-3005  
PLAT PRECISION: 1/100,000



CLAY ROAD  
R/W VARIES

LL.L. 1155 LL.L. 1154

Henderson Farms LLC  
4937 austell rd  
austell, ga 30106

The enclosed Georgia Live Plant License is valid through 12/31/2013.

We have updated our website. Visit [www.kellysolutions.com/GA/LivePlant](http://www.kellysolutions.com/GA/LivePlant) to take a look at the new layout. There are a number of useful tools to help you manage your license, including being able to update your information online anytime. You can make secure payments by credit card to renew your license, and you can refer people to this website to validate your credentials. If you have questions, check out the FAQs section. We hope you enjoy these new user-friendly features.

If you have questions or concerns regarding your Live Plant License, please contact: Georgia Department of Agriculture, (404)-586-1140.

(Fold or cut on line to display)

**Georgia Department of Agriculture**  
Plant Protection Section  
1109 Experiment Street, Redding Build, Room 213  
Griffin, GA 30223  
Tele: (404)-586-1140 Fax: (770) 228-7219  
[agr.georgia.gov/plant-protection.aspx](http://agr.georgia.gov/plant-protection.aspx)

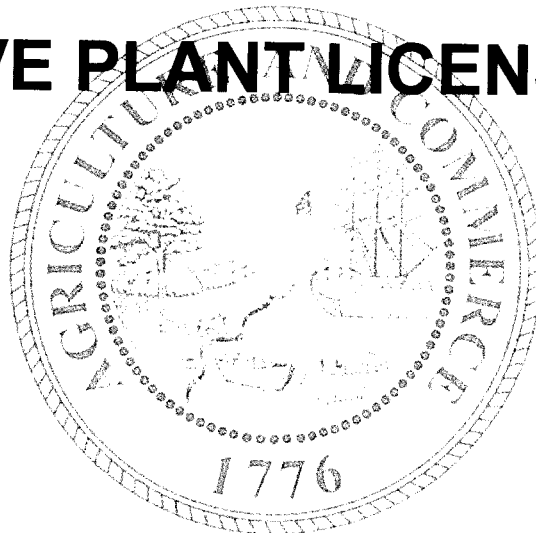
## LIVE PLANT LICENSE

Expiration Date:  
12/31/2013

License Number:  
10986

Henderson Farms LLC  
2569977841  
4937 austell rd  
austell ga 30106

Category:  
SEASONAL



This License Must Be Posted At All Times In A Prominent Location.

ORIGINAL DATE OF APPLICATION: 06-17-11APPLICANTS NAME: ANGELYN CLAY WALKERTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 06-17-11 ZONING HEARING:**

ANGELYN CLAY WALKER (owner) requesting Rezoning from GC with Stipulations to GC for the purpose of Service/Retail Businesses in Land Lots 1140 and 1141 of the 19<sup>th</sup> District. Located at the northeast corner of Clay Road and Austell Road.

MOTION: Motion by Thompson, second by Birrell, as part of the Consent Agenda, to **delete** Rezoning to the CRC zoning district subject to:

- uses limited to carwash, fruit stand, and retail sales of high school related logo items and spirit wear *only*
- prohibited uses to include: tattoo parlors, check cashing establishments; gun, knife or weapons sales; sale of alcoholic beverages, and pawn shops
- no outdoor storage, including excess firewood
- any proposed use change occurring within the next three (3) years shall come back to the Board of Commissioners as an Other Business Item, with the District Commissioner approving any time extensions
- install signage at entrance from Clay Road indicating “*right in and right out only*”
- upon redevelopment, concrete access barriers to be installed restricting turning movements
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: ADOPTED unanimously