Application for "Other Business"

OB-41

Cobb County, Georgia

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

RECEIVED JUN 10 2014 COBB CO. COMM. DEV. AGENCY ZONING DIVISION

BOC Hearing Date Requested: 7-15-14

Applicant: Diana Gutierrez (applicant's name printed) Phone #: 678-732-5795

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

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

(representative's signature) Phone #: 770 827 6255 E-Mail: SMADAMS1101@gmail.com

Signed, sealed and delivered in presence of:

Notary Public My commission expires: 8/27/14

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

Address: 1837 Seayes Rd Austell, GA 30106 E-Mail: EWalker1927@gmail.com

Angelyn C. Clay Walker (Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: 8/27/15

Commission District: 4th Zoning Case: Z-19

Date of Zoning Decision: _____ Original Date of Hearing: 6-17-11

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

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

State specifically the need or reason(s) for Other Business: Small Restaurant Business

(List or attach additional information if needed)

 APPLICATION NO. Z-19

ORIGINAL DATE OF APPLICATION: 06-21-11

APPLICANTS NAME: ANGELYN CLAY WALKER

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

BOC DECISION OF 06-21-11 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 19th 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

 APPLICATION NO. Z-19

ORIGINAL DATE OF APPLICATION: 06-21-11

APPLICANTS NAME: ANGELYN CLAY WALKER

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

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COBB CO. COMMUNITY AGENCY
DIVISION

BOC DECISION OF 08-20-13 ZONING HEARING:

OTHER BUSINESS ITEM #4 – TO CONSIDER AMENDING THE ZONING STIPULATIONS RELATING TO Z-19 OF 2011 (ANGELYN CLAY WALKER)

To consider amending the zoning stipulations regarding 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 19th District.

Mr. Pederson provided information regarding a stipulation amendment to add an awning and expand sales. The public hearing was opened and Ms. Shelia Adams addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Ott, to **approve** Other Business Item No. 4 for stipulation amendments regarding application 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 19th District **subject to**:

- **Request letter from Property Management Unlimited, Inc., (attached and made a part of these minutes) with the following changes:**
  - **Item No. 1 – Strike in its entirety and replace with:** ***"The approval of this request is subject to the District Commissioner approval of an architectural plan (with the plan to be submitted within 60 days of this decision) which will include, but is not limited to, consideration of color of the building, and an awning or any modification of the finished material of the building."***
  - **Item No. 2 – Strike in its entirety and replace with:** ***"Food products and items sold on the property is limited primarily to fruits and vegetables (fresh, frozen, jarred or ready cut); meat, poultry or fish in the refrigerated area; breads, grains, dairy and health food items. Also permitted is the limited sale of "other" items such as ice, bottled non-alcoholic beverages and candy. The sale of "other" items is not to exceed 20 percent of the total items sold on the site."***
  - **Item No. 5 – Add to the end:** ***"The sale of other seasonal items to be approved by the District Commissioner."***
  - **Item No. 6 – Strike in its entirety and replace with:** ***"Any items that are sold in the front of the building or other parts of the building under the awning will be allowed to be displayed outdoors."***
  - **Item No. 9 – Add to end:** ***"The sale of firewood not to exceed 20 percent of the sales on the property unless approved by the District Commissioner and firewood is not to be cut on site."***
  - **Item No. 10 – Revise to read:** ***"Outside storage and display of merchandise is allowed subject to conditions herein listed."***
- **All previous stipulations and conditions,** ***not otherwise in conflict,*** **to remain in effect**

VOTE: **ADOPTED** unanimously

Z-19 of 2011

Min. Bk. 69 Petition No. 084
Doc. Type Request Letter
Meeting Date August 20, 2013

PROPERTY MANAGEMENT UNLIMITED, INC.
4968 Austell Road, Suite 132
Austell, Georgia 30106
Ph: 770-941-7745 Ph: 770-944-9157
Fax: 770-941-8428

Request to be added to Stipulation

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ZONING OFFICE

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

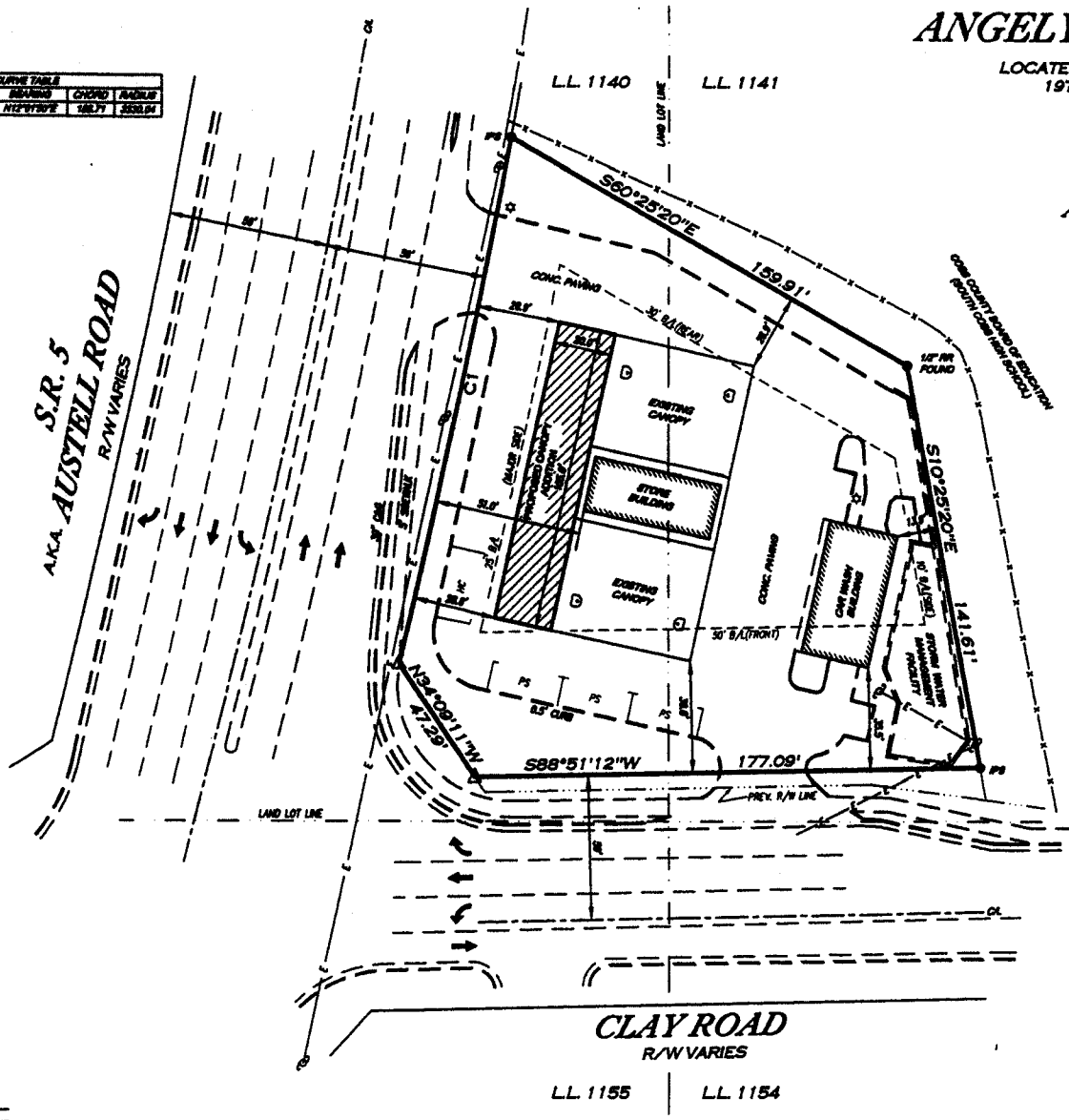
ANGELYN CLAY WALKER

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.

CURVE TABLE				
CURVE	LENGTH	BEARING	CHORD	RADIUS
C1	168.74	N12°01'30"E	168.71	3550.94



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 9484, PAGE 94.

COBB RIGHT-OF-WAY DEED RECORDED IN DEED BOOK 5724, PAGE 194.

SURVEY NOTES:

THERE MAY BE UNDERGROUND UTILITIES THAT ARE NOT SHOWN.

THERE IS A 25' NON-DISTURBANCE BUFFER(WARM WATER STREAMS) AND A 50' NON-DISTURBANCE BUFFER(TROUT STREAMS) ADJACENT TO ANY STREAM OR BODY OF WATER MANDATED BY THE STATE AND THERE MAY BE ENHANCED BUFFERS PLACED ON THESE WATERS BY COUNTIES OR MUNICIPALITIES. THE PROPER AUTHORITY SHOULD BE CONTACTED 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 AND HIS ASSOCIATES, INCLUDING ELECTRONIC FILES, ARE 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:
- =IPS = 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
OTP = OPEN TOP WATER PIPE
CTP = CRIMPED TOP WATER PIPE
PP = POWER POLE = °D
CL = CENTERLINE =
BL = BUILDINGLINE =
R/W = RIGHT OF WAY
L.L.L. = LAND LOT LINE =
WATER MAINS = —W—W—W—W—
OVERHEAD POWER LINES = —E—E—E—E—
GAS MAINS = —G—G—G—G—
SANITARY SEWER MAIN = —SS—SS—
N/F = NOW OR FORMERLY OWNED BY
NSAB = NAIL SET AT BASE
NFAB = NAIL FOUND AT BASE
D.B. = DEED BOOK
P.B. = PLAT BOOK
R/W MON. = CONCRETE 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: 13067C0303G
EFFECTIVE DATE: DECEMBER 16, 2008
THE MAP GRAPHICALLY DEPICTS THE SUBJECT PROPERTY TO LIE IN ZONE: "X"
THE CHARACTERISTIC OF THIS ZONE IS
AN AREA ABOVE THE 100 YEAR FLOOD ZONE

TECHNICAL DATA
TRAVERSE PRECISION: 1/ 86,399
ANGLE ERROR: 6 SEC. PER ANG.
SURVEY ADJUSTMENT: LEAST SQUARES
EQUIPMENT: TOPCON G PT-3005
PLAT PRECISION: 1/ 109,832

GRAPHIC SCALE
30 0 30 60

GEORGIA REGISTERED LAND SURVEYOR BENJAMIN W. CRUSSELLE

6/10/13

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COBB COUNTY COMMUNITY DEVELOPMENT
ZONING DIVISION

REVISIONS

DATE	DESCRIPTION
08/10/2013	ADD PROPOSED CANOPY

THE CRUSSELLE COMPANY
PROFESSIONAL LAND SURVEYORS
2861 POWDER SPRINGS ROAD
MARIETTA, GEORGIA 30064
(770) 943-8803
E-MAIL: BEN@CRUSSELLE.COM

PROJ. NO. CO0123 FILE: CO0123-zoning-8-10-13.DWG
FIELD SURVEY DATE: 08/18/2011
PLAT DATE: 08/10/2013 SCALE: 1" = 30'