

**AUGUST 20, 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 19th 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.

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: 7-16-2013Applicant: 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 #: 770 827-6255 E-Mail: SMADAMS1101@gmail.com
(representative's signature)

Signed, sealed and delivered in presence of:

DD Hutchins 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:

DD Hutchins My commission expires: 8/27/2015
Notary Public

Commission District: 4th Zoning Case: 2-19

Date of Zoning Decision: 6/17/11 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

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 6454, 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



PROJ. NO. C08123 FILE: C08123.dwg
FIELD SURVEY DATE: 03/06/2011
PLAT DATE: 08/10/2013 SCALE: 1" = 30'



TECHNICAL DATA
INSTRUMENT USED: 1/2" 300'
ANGLE ERROR: SEE PERMITS
SURVEY ADJUSTMENT: LEAST SQUARES
EQUIPMENT: TOPCON GPT-3005
PLAT PRECISION: 1/100,000



FLOOD STATEMENT:
I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE
RATE MAPS, COMMUNITY PANEL NO. 13071C0220G
EFFECTIVE DATE, DECEMBER 18, 2008
THE MAP GRAPHICALLY DEPICTS THE SUBJECT
PROPERTY TO LIE IN ZONE "X"
THE CHANGING OF THE FLOOD ZONE IS
AN AREA ABOVE THE 100 YEAR FLOOD ZONE

CURVE	LENGTH	BEARING	CHORD	RADIUS
C1	168.74	N12°01'20"E	168.71	3330.04



S.R. 5
A.K.A. AUSTELL ROAD
R/W VARIES

SURVEY NOTES:

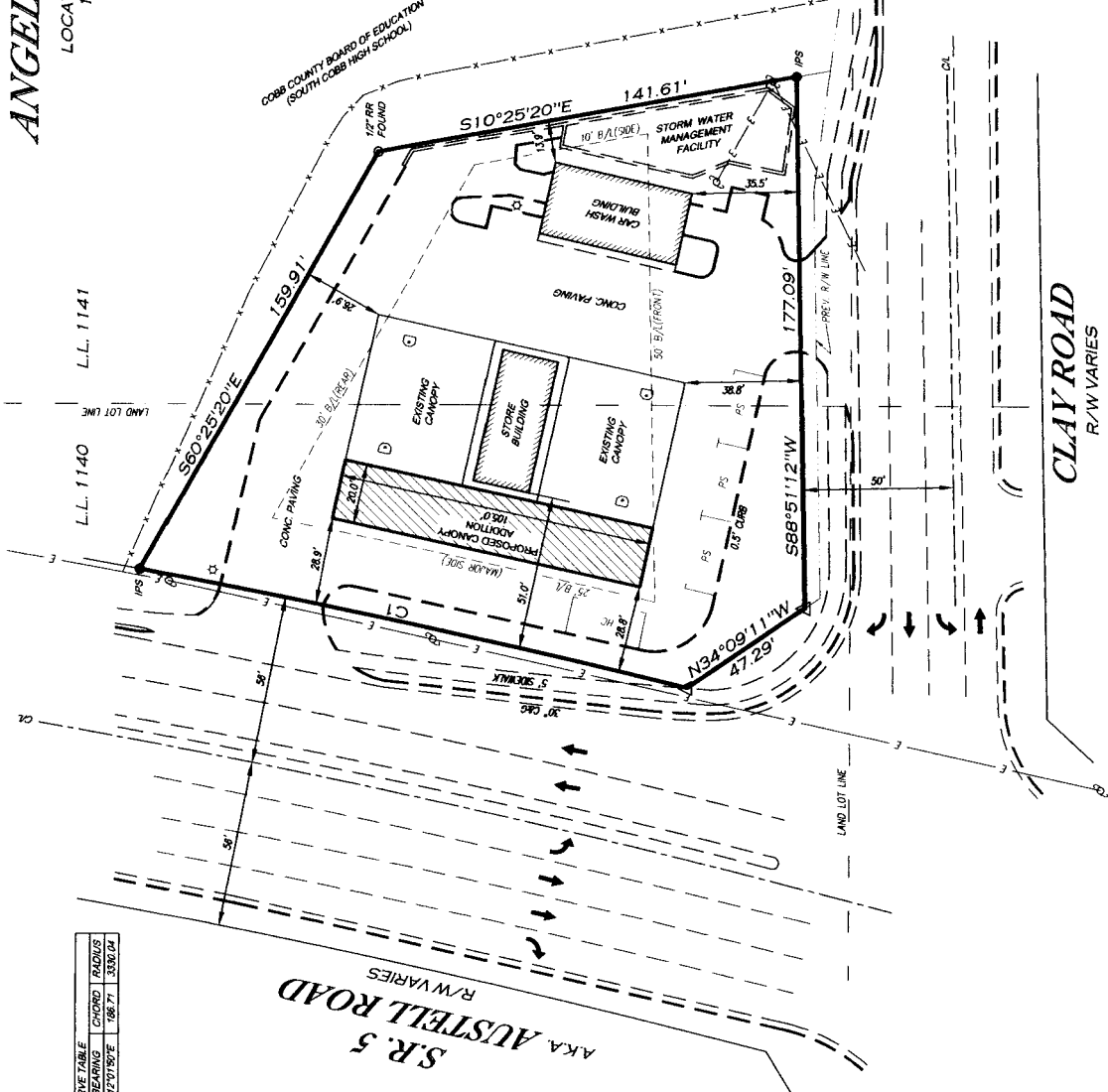
THERE MAY BE UNDERGROUND UTILITIES
THAT ARE NOT SHOWN.
THERE IS A 20' NON-DISTURBANCE
BUFFER (WATER STREAMS) AND A 50'
NON-DISTURBANCE BUFFER (TROUT)
AND THERE MAY BE ENHANCED BUFFERS
PLACED ON THESE WATERS BY COUNTIES
OR OTHER AGENCIES. THE PROPERTY
OWNERS SHALL BE RESPONSIBLE FOR
BEFORE BEGINNING ANY 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
ALONG WITH ALL INSTRUMENTS, FIELD
ELECTRONIC FILES, AND 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:
 - 1/2" 300' STEEL 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
 - OTF - OPEN TOP WATER PIPE
 - CTP - CRIMPED TOP WATER PIPE
 - CP - CONCRETE PIPE
 - CL - CENTERLINE
 - BL - BUILDING LINE
 - RW - RIGHT OF WAY
 - LL - LAND LOT LINE
 - OVERHEAD POWER LINES
 - GAS MAINS
 - SANITARY SEWER MAIN
 - NP - NOW OR FORMERLY OWNED BY
 - NFAB - NOW FORMERLY OWNED BY
 - D.B. - DEED BOOK
 - RW - RIGHT OF WAY MONUMENT
 - Q - LIGHT POLE
 - PS - HANDICAP PARKING SPACE
 - HC - HANDICAP PARKING SPACE

CLAY ROAD
R/W VARIES

L.L. 1155 L.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 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

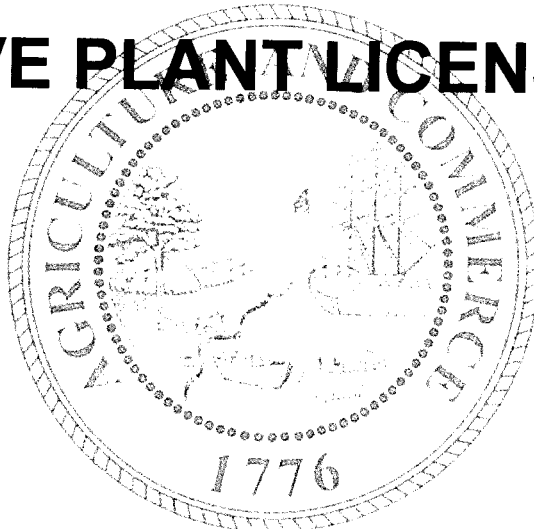
LIVE PLANT LICENSE

Expiration Date:
12/31/2013

License Number:
10986

Category:
SEASONAL

Henderson Farms LLC
2569977841
4937 austell rd
austell ga 30106



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 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