

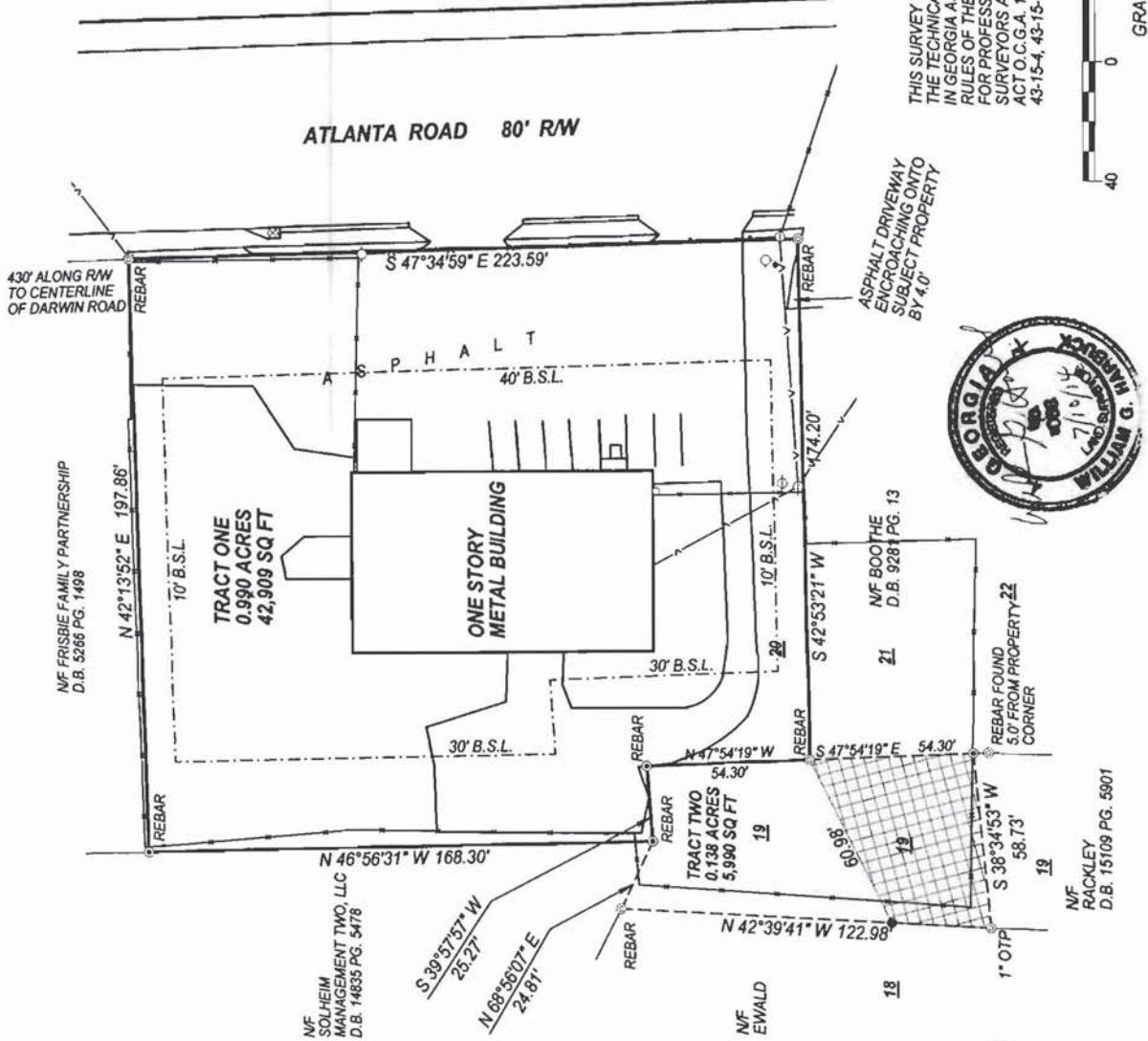
Z-65  
(2014)

**LEGEND**

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
⊙	IRON PIN FOUND
⊙	IRON PIN SET
⊙	UTILITY POLE
—	OVERHEAD POWER LINE
—	BOC
—	BACK OF CURB



THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATIONS FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67, AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.



BEARINGS ARE BASED ON A SURVEY FOR TERRY SECHRIST & FLOYD JONES BY KENNETH L. HUTT, GEORGIA REGISTERED LAND SURVEYOR NO. 2104, DATED JUNE 18, 1999

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 12,558 FEET AND AN ANGULAR ERROR OF 2 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN MORE THAN 175,221 FEET. THE TYPE OF EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF SAID MAP OR PLAT IS AN ELECTRONIC TOTAL STATION.

**GENERAL NOTES**  
 PROPERTY ADDRESS 1700 ATLANTA ROAD, SUITE A  
 ZONING DISTRICT GC  
 SUBJECT PROPERTY DEED REFERENCE  
 D.B. 14939 PG. 1846  
 HATCHED AREA REPRESENTS AN OVERLAP  
 OF D.B. 9281 PG. 13 AND D.B. 14939 PG. 1846  
 TRACT TWO OVERLAPS D.B. 15109 PG. 5901  
 INTENDED USE IS FOR A UHAUL BUSINESS

**BOUNDARY SURVEY FOR:**  
**CUELLAR AUTO REPAIR**  
 PART LAND LOT 370, 11TH LAND DISTRICT,  
 2ND SECTION OF COBB COUNTY

**HARBUCK LAND SURVEYORS, INC.**  
 LAND SURVEYOR FIRM NO. 959  
 WILLIAM G. HARBUCK  
 GEORGIA REGISTERED LAND SURVEYOR NO. 3006  
 5463 STONEYBROOK DRIVE, SE  
 MABLETON, GA. 30126  
 TELEPHONE 770-253-5585  
 HARBUCKLANDSURVEYORS@GMAIL.COM  
 07.02.2014  
 FIELD WORK 07.10.2014

**APPLICANT:** Cuellar Auto Repair

**PHONE#:** (678) 305-1044 **EMAIL:** cuellarauto72@yahoo.com

**REPRESENTATIVE:** Gabriel Cuellar

**PHONE#:** (678) 305-1044 **EMAIL:** cuellarauto72@yahoo.com

**TITLEHOLDER:** Walter Cuellar and Gabriel Cuellar

**PROPERTY LOCATION:** Southwest side of Austell Road, south of

Darwin Road

(1700 Atlanta Road).

**ACCESS TO PROPERTY:** Atlanta Road

**PHYSICAL CHARACTERISTICS TO SITE:** Auto repair shop,

courier business, and U-Haul rentals

**PETITION NO:** Z-65

**HEARING DATE (PC):** 10-07-14

**HEARING DATE (BOC):** 10-21-14

**PRESENT ZONING:** GC, R-20

**PROPOSED ZONING:** LI

**PROPOSED USE:** Auto Repair, Courier

Business and U-haul business

**SIZE OF TRACT:** 1.128 acres

**DISTRICT:** 17

**LAND LOT(S):** 370

**PARCEL(S):** 7, 8, 15

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** HI/U S Government, Dobbins Air Force Base

**SOUTH:** RM-12, R-20/Multi-Family Residential, Single-Family Residential

**EAST:** GC/Vacant Commercial

**WEST:** GC , RM-12/, Welding Contractor, Multi-Family Residential

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

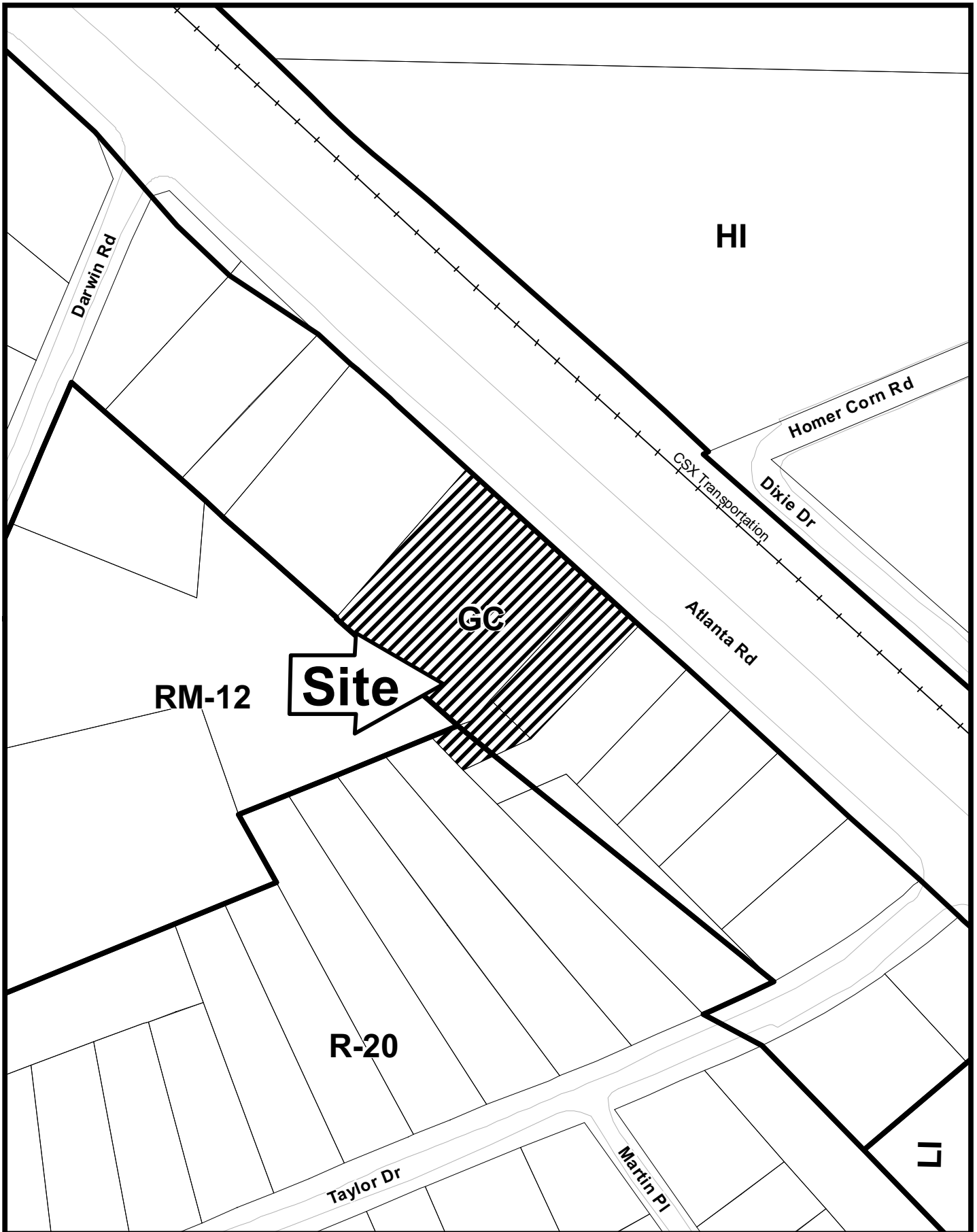
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



# Z-65



This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 100 200 Feet



City Boundary  
Zoning Boundary

**APPLICANT:** Cuellar Auto Repair

**PETITION NO.:** Z-65

**PRESENT ZONING:** GC,R-20

**PETITION FOR:** LI

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**ZONING COMMENTS:**

**Staff Member Responsible:** Kim Wakefield

**Land Use Plan Recommendation:** Industrial Compatible (IC) and Low Density Residential (LDR)

**Proposed Number of Buildings:** 1 (existing) **Total Square Footage of Development:** 6,000

**F.A.R.:** 0.12 **Square Footage/Acre:** 5,319 sq ft

**Parking Spaces Required:** 10 **Parking Spaces Provided:** 7 indicated (unstriped)

The applicant is requesting rezoning to LI light industrial in order to continue to have heavy auto repair on the property and to operate an automobile, truck and trailer lease and rental facility (UHAUL). The property is currently zoned GC general commercial and R-20 and located within an IC industrial compatible future land use area. The applicant was placed on notice by Code Enforcement after an application was made for a business license for the U-Haul business.

The facility is open Monday through Saturday, from the hours of 9 a.m. to 6 p.m. The applicant will have 3-5 U-Haul trucks, trailers and flat beds. The area for the U-Haul business will be delineated behind the building and not used for any other purpose. The area will need to be striped to meet the parking requirements.

Variance for required parking is not required as there appears to be sufficient area to provide the required parking spaces with an approval through the Plan Review process.

The applicant is showing contemporaneous variances for the following:

1. Waive 8 foot landscape strip along Atlanta Rd;
2. Waive 50 foot landscape buffer along western property line;
3. Waive front setback from 75 feet to 63 feet.

**Cemetery Preservation:** No comment.

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**FIRE COMMENTS:**

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Cuellar Auto Repair

PETITION NO.: Z-65

PRESENT ZONING: GC,R-20

PETITION FOR: LI

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC, R-20 to LI for purpose of auto repair and U-haul rentals. The 1.128 acre site is located on the southwest side of Austell Road, south of Darwin Road.

**Comprehensive Plan**

The parcel is within the Industrial Compatible (IC) future land use category, with GC and R-20 zoning designations. The purpose of Industrial Compatible (IC) category is to provide for areas that can support light industrial, office /warehouse, and distribution uses. Typical land uses for these areas include professional business parks.

**Master Plan/Corridor Study**

The site is located within the Atlanta Road Corridor Study boundary.

**Historic Preservation**

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

**Design Guidelines**

Is the parcel in an area with Design Guidelines?     Yes             No

If yes, design guidelines area \_\_\_\_\_

Does the current site plan comply with the design requirements?

**Incentive Zones**

Is the property within an Opportunity Zone?     Yes             No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?             Yes             No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?             Yes             No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

APPLICANT: Cuellar Auto Repair

PETITION NO.: Z-65

PRESENT ZONING: GC,R-20

PETITION FOR: LI

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**PLANNING COMMENTS:** (Continued)

***Special Districts***

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes       No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes       No

APPLICANT Cuellar Auto Repair

PETITION NO. Z-065

PRESENT ZONING GC, R-20

PETITION FOR LI

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**WATER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 16" DI / SW side of Atlanta Rd

Additional Comments: Existing water customer

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

\*\*\*\*\*

**SEWER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: On site

Estimated Waste Generation (in G.P.D.): A D F= +0 Peak= +0

Treatment Plant: South Cobb

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drv Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required:  Yes  No

Letter of Allocation issued:  Yes  No

Septic Tank Recommended by this Department:  Yes  No

Subject to Health Department Approval:  Yes  No

Additional Existing sewer customer  
Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

**APPLICANT: Cuellar Auto Repair**

**PETITION NO.: Z-65**

**PRESENT ZONING: GC, R-20**

**PETITION FOR: LI**

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<b>STORMWATER MANAGEMENT COMMENTS</b>
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Subject to meeting all stormwater management requirements for any site improvements at Plan Review.  
All repairs to be performed inside the building.



**APPLICANT: Cuellar Auto Repair**

**PETITION NO.: Z-65**

**PRESENT ZONING: GC, R-20**

**PETITION FOR: LI**

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**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Atlanta Road	21,500	Arterial	45 mph	Cobb County	100'

*Based on 2007 traffic counting data taken by Cobb County DOT (Atlanta Road)*

**COMMENTS AND OBSERVATIONS**

Atlanta Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend one driveway for each tract.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

## STAFF RECOMMENDATIONS

### **Z-65 CUELLAR AUTO REPAIR**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties if zoned into a compatible zoning district. The area is zoned for commercial uses and the future land use map supports commercial use in the area.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The auto repair, courier business and U-haul rental facilities are currently in operation with no known complaints from neighboring commercial properties or residents on nearby Darwin Road and Taylor Drive.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. The property exists within an area delineated as IC industrial compatible on the future land use map. This designation seeks to provide for areas that can support light industrial, office/warehouse, and distribution uses. The requesting and existing uses of auto repair, courier business, and U-haul leasing are permitted uses under the requested LI district and compatible with the IC designation.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for deleting the applicant's rezoning proposal. The request will allow the property to conform to the Code as it continues its operation of heavy auto repair, courier business and U-haul rental.

Based on the above analysis, Staff recommends **DELETION TO TOURIST SERVICES (TS)** subject to the following conditions:

- Site plan received by the Zoning Division on July 11, 2014, with the District Commissioner approving minor modifications;
- Applicant to obtain applicable business license;
- No outdoor storage;
- Lighting plan to be reviewed by the Zoning Division and have final approval from the District Commissioner;
- Exterior color and architecture of existing and future improvements to be reviewed by the Zoning Division and have final approval by District Commissioner;
- Applicant install a 20 foot landscape buffer along the west property line, to be approved by the County Landscape Architect;
- All repairs to be done inside building;
- Fire Department Comments and recommendations;
- Water and Sewer Comments and recommendations;
- Stormwater Management Comments and recommendations;
- Department of Transportation comments and recommendations.

**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**



Application #: 7-15  
PC Hearing Date: 10-7-14  
BOC Hearing Date: 10-21-14

## Summary of Intent for Rezoning

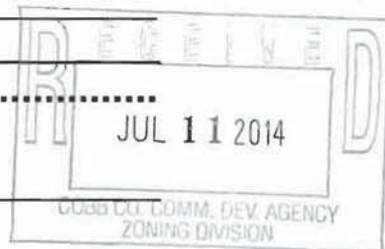
.....  
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed selling prices(s): \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_

.....  
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Auto Repair, U-Haul
- b) Proposed building architecture: onestory
- c) Proposed hours/days of operation: Mon - Sat 9:00am - 6:00pm
- d) List all requested variances: \_\_\_\_\_

.....  
Part 3. Other Pertinent Information (List or attach additional information if needed)



.....  
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?  
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). \_\_\_\_\_

.....  
Part 5. Is this application a result of a Code Enforcement action? No \_\_\_; Yes \_\_\_ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: [Signature] Date: 05-16-2014  
Applicant name (printed): Guilia Auto Repair



**Answer to question 9.**

Analysis of the impact of the proposed rezoning with respect to each of the following matters:

**(a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

*The proposed zone is to have an area to provide Uhaul rental services, the area is available, and it will permit a use that is suitable in view of the use and development of adjacent and nearby property*

**(b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

The proposed zone is into the Cuellar Auto repair premises, and the area for the Uhaul rental service is adjacent to the building of car repair, and it will not affect the existing use or usability of adjacent or nearby property.

**(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;**

As the area for Uhaul rental service is available, the truck parking area will be demarcated, that area will be not used for any other purpose. Currently zone has zero economic use.

**(d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**

The proposed zone to have an area to provide Uhaul rental services, it will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The property has ample parking space, there are no special requirements that would increase utilities.

**(e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan;**

The proposed zone is in conformity with the policy and intent of the land use plan;

**(f) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.**

There are not other existing or changing conditions affecting the use and development of proposal, the proposed zone to provide Uhaul rental services is available.

Z-65 (2014)  
Notice of  
Violation

# Notice of Violation

Violation Number: CODE-2014-03259

Date: 5/8/2014

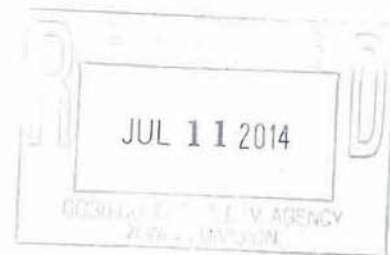
The Cobb County Code Enforcement Division has grounds to believe the property located at:

<u>1700 ATLANTA RD</u>	<u>, GA</u>	<u>17</u>	<u>0370</u>	<u>007</u>	<u>GC</u>
(Address)	(City/State/Zip)	(Dist)	(Land Ldt)	(Par)	(Zoning)

and/or C. ELLAR WALTER E & GABRIEL (383 FOXFIRE DR SW SMYRNA, GA 30082)

may be in violation of the Official Code of Cobb County, Georgia. You have 10 days to bring the violation(s) into compliance. An inspection will be made on or about 10 days from May 8, 2014. Failure to comply could result in a citation being issued for you to appear in the Cobb County Magistrate Court, and you may be subject to a fine, imprisonment or both.

<u>Violation</u>	<u>Code Section</u>	<u>Requirement for Compliance</u>
NONCONFORMING USES 134-31	SEE ATTACHED	
GENERAL COMMERCIAL DISTRICT 134-227(1)(f)	b. Any existing, developed GC zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned GC outside of a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building permit or grading permit for such development shall be deemed to be commencing development. Due to the fact that general commercial has been the predominant commercial zoning district since its inception in 1972, the board of commissioners has determined that certain uses previously permitted are no longer appropriate for properties within an area delineated as a community activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. See subsection (12) of this section, pertaining to use limitations, for those uses no longer appropriate. CEASE USING PROPERTY FOR UHAUL BUSINESS.	



Brent Farrell (brent.farrell@cobbcounty.org)

Officer

678-581-5421

Telephone