

**APRIL 21, 2015 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM OB-021

PURPOSE

To consider amending the stipulations for Cuellar Auto Repair, LLC regarding Z-65 (Cuellar Auto Repair) of 2014, for property located on the southwest side of Atlanta Road, south of Darwin Road in Land Lot 370 of the 17th District.

BACKGROUND

The subject property was rezoned to Tourist Services (TS) in 2014 for an auto repair shop, a courier business and a U-Haul business. There is one zoning condition that the applicant would like to amend in order to proceed with their businesses. Specifically, the applicant was required to design a lighting plan for the property. The applicant would like to remove this condition because they did not intent to alter the existing lighting on the property. Part of this request is due to the financial burden of adding more lights to the property, and part of this request is because the applicant already has two existing security lights on the property, and there are street lights along the road which provide some lighting at night. If approved, all other 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"

OB-021-2015

Cobb County, Georgia

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

BOC Hearing Date Requested: 04-21-15

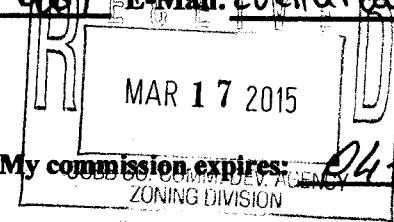
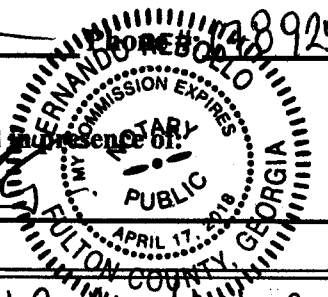
Applicant: Cuellar Auto Repair LLC Phone #: 678 925 8669
(applicant's name printed)

Address: 1700 Atlanta Rd. Smyrna E-Mail: cuellarauto72@yahoo.com

Gabriel Cuellar Address: 28 Stacey Dr. Dulles GA 30157
(representative's name, printed)

[Signature] Phone #: 678 925 8669 E-Mail: cuellarauto72@yahoo.com
(representative's signature)

Signed, sealed and delivered in presence of:
[Signature]
Notary Public

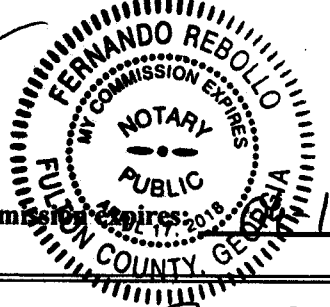


Titleholder(s): Gabriel Cuellar / Walter Cuellar Phone #: (678) 925-8669
(property owner's name printed)

Address: 1700 Atlanta Rd. Smyrna, GA E-Mail: cuellarauto72@yahoo.com

[Signature] x Walter Cuellar
(Property owner's signature)

Signed, sealed and delivered in presence of:
[Signature]
Notary Public



My commission expires: 04-17-2018

Commission District: 4 Zoning Case: Z 65 2014

Date of Zoning Decision: NOV. 18. 14 Original Date of Hearing: 10-21-2014

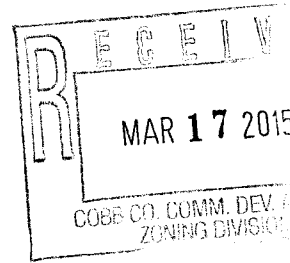
Location: 1700 Atlanta Rd. Smyrna GA 30080
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 7.8.15 District(s): 17

State specifically the need or reason(s) for Other Business: SEE Attached.
(Attachment "A")

(List or attach additional information if needed)

OB-021-2015
Attachment "A"



03-16-2015

TO:

COBB COUNTY REZONING DEPARTMENT

The purpose of this letter is for the removal of the first paragraph concerning the lighting for following reasons.

1- I am currently not financially equipped to install what is being asked for and also because my monthly income would not be enough to pay this bill for the lighting what is required.

2- The other reason is because Cuellar Auto Repair pays an additional bill to Georgia Power for 2 lights that are for the business and also for the road.

Thank you for your attention

A handwritten signature in black ink, appearing to read "Gabriel Cuellar".

GABRIEL CUELLAR

OWNER

A handwritten signature in black ink, appearing to read "Walter Cuellar".

WALTER CUELLAR

RECEIVED

MAR 17 2015

CONTINUED, HELD, OR WITHDRAWN (CONT.)

CO. COMM. DEV.
ZONING DIVISION

- ~~SLUP-14 MUNICIPAL COMMUNICATIONS, LLC (River Heights Exchange, LLC, owner) requesting a Special Land Use Permit for the purpose of Wireless Communications Tower and Antennas in Land Lots 1085 and 1086 of the 17th District. Located on the southeast side of River Heights Crossing, northeast of Riverlook Parkway (3702 River Heights Crossing). *(Continued by Staff until the December 2, 2014 Planning Commission hearing; therefore, was not considered at this hearing)*~~
- SLUP-19 WEST COBB SPORTS COMPLEX (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting a Special Land Use Permit for the purpose of a Non-Profit Community Center in Land Lots 427 and 462 of the 19th District. Located at the northeast intersection of Macland Road and Villa Rica Road, and on the west side of Wilkins Circle. *(Held by the Planning Commission until their December 2, 2014 hearing; therefore was not considered at this hearing)*
- SLUP-21 BARRY WOOD (B.W.W., Inc., owner) requesting a Special Land Use Permit for the purpose of Crushing Concrete in Land Lot 777 of the 18th District. Located on the east side of White Road, south of Factory Shoals Road. *(Continued by Staff until the December 16, 2014 Board of Commissioners Zoning hearing; therefore, will not be considered at this hearing)*

CONSENT AGENDA

MOTION: Motion by Goreham, second by Birrell to approve/delete the following cases on the Consent Agenda, *as revised*:

- Z-65 CUELLAR AUTO REPAIR (Walter Cuellar and Gabriel Cuellar, owners) requesting Rezoning from GC and R-20 to LI for the purpose of Auto Repair, Courier Business and U-Haul Business in Land Lot 370 of the 17th District. Located on the southwest side of Atlanta Road, south of Darwin Road (1700 Atlanta Road). *(Previously continued by Staff)*

To delete rezoning to the TS zoning subject to:

- Site plan received by the Zoning Division July 11, 2014, with District Commissioner approving minor modifications (attached and made a part of these minutes)
- Applicant to obtain applicable business licenses
- No outdoor storage
- All signs to be brought into compliance with current Sign Ordinance

CONSENT AGENDA (CONT.)

Z-65 CUELLAR AUTO REPAIR (CONT.)

- Lighting plan to be reviewed by Zoning Division, with final approval by the District Commissioner
- Exterior color and architecture of existing and future improvements to be reviewed by Zoning Division, with final approval by the District Commissioner
- Eight foot landscaping enhancement strip to be installed along Atlanta Road; Applicant to submit a landscape plan within 30 days of this decisions; also to be approved by the County Landscape Architect with final approval by the District Commissioner
- Installation of a 20' landscape buffer along entire property line adjacent to residential property behind the parcel to mitigate site and sound; with approval of the County Landscape Architect
- All landscaping and buffers to be installed within 120 days of this decision
- All repairs to be done inside the building
- Fire Department comments and recommendations, *not otherwise in conflict*
- Water and Sewer Division comments and recommendations, *not otherwise in conflict*
- Stormwater Management Division comments and recommendations, *not otherwise in conflict*
- Cobb DOT comments and recommendations, *not otherwise in conflict*

Z-19

JACK COOPER HOLDINGS CORP. (owner) requesting Rezoning from R-30 to LRO for the purpose of Combining Existing Portion of Residential having Encroachment from LRO in Land Lots 275 and 296 of the 20th District. Located on the south side of Kennesaw Due West Road, east of Acworth Due West Road (660 Kennesaw Due West Road).

To approve of rezoning to the LRO zoning subject to:

- Approval is for 20 foot strip of property along the western property line, to be zoned LRO, with the balance of the property to remain zoned R-30
- Cobb DOT comments and recommendations, *with the first and second recommendations being effective upon future development of the property*
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedicaiton of system improvements to mitigate traffic concerns

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

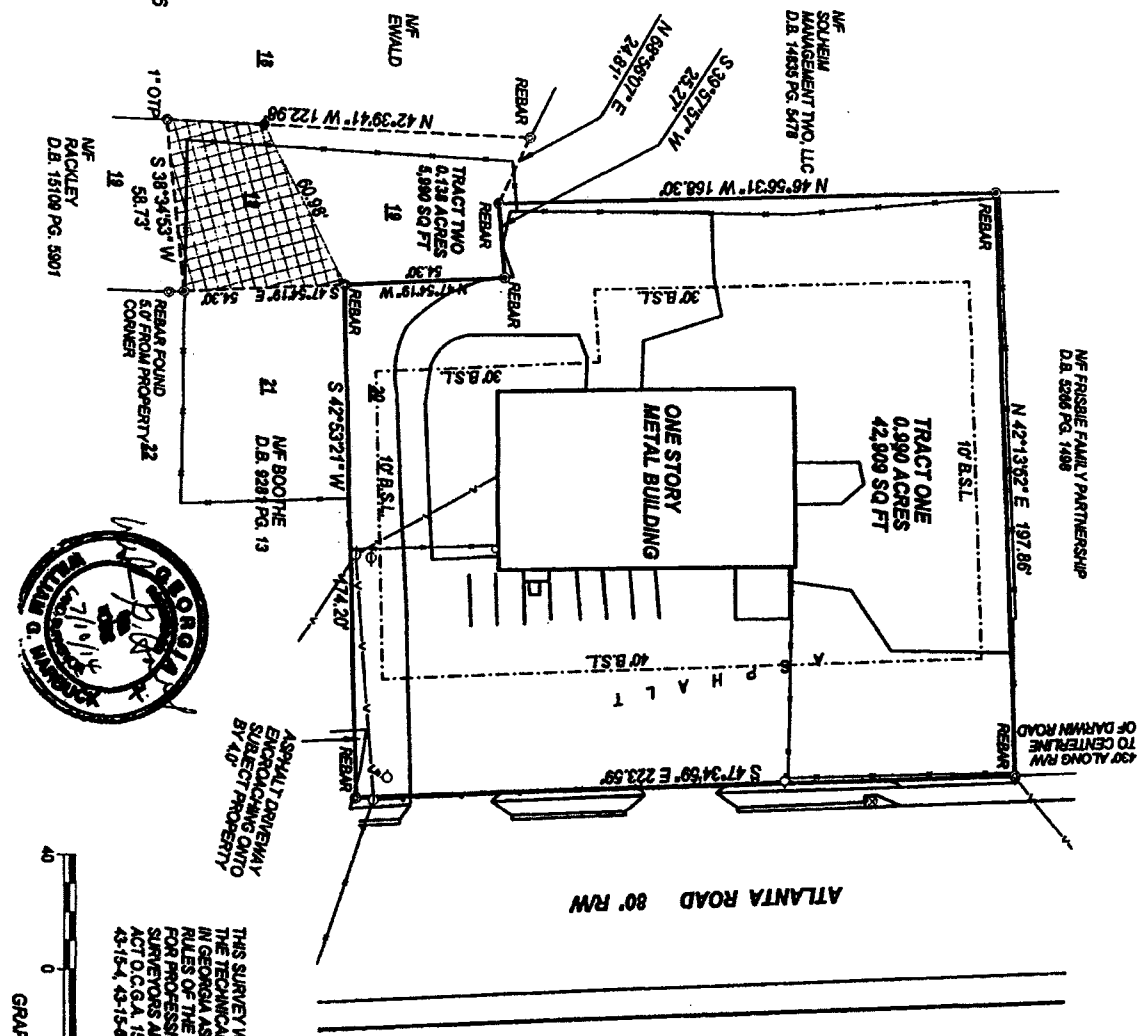
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSEURE PRECISION OF ONE FOOT IN 12,588 FEET AND AN ANGULAR ERROR OF 2 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSEURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN MORE THAN 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. 14839 PG. 1946
 HATCHED AREA REPRESENTS AN OVERLAP OF D.B. 8281 PG. 13 AND D.B. 14839 PG. 1946
 TRACT TWO OVERLAPS D.B. 15109 PG. 5901
 INTENDED USE IS FOR A SMALL BUSINESS

SURVEYOR:

CUELLAR AUTO REPAIR
 PART LAND LOT 370, 17TH 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
 SCALE 1" = 40'
 07 02 2014
 FIELD WORK 07.10.2014



THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 1807 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION 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, 15-6-64, 15-6-64, 15-6-15, 15-19, 15-15-22.

GRAPHIC SCALE IN FEET
 0 40 80 120

Min. Bk. 14 Division No. 20-205
 Doc. Type Site Plan
 Meeting Date 11/18/14