

**DECEMBER 15, 2015 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 4**

**ITEM OB-053**

**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 17<sup>th</sup> 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. Earlier this year, the applicant brought forward this property to the Board of Commissioners to amend the lighting conditions for this property, which was approved. There are three other conditions the applicant needs to amend. First, the applicant would like to reduce the eight foot landscape enhancement strip along Atlanta Road from eight feet to three feet. This is how wide the existing grass strip is along the road, and no other disturbance would be needed if it was reduced. Second, the applicant would like to amend the 20 foot landscape buffer along the rear property line since there is an area of concrete that butts up to the property line and cannot be planted. In the area that can be planted, the applicant will plant six Southern Magnolia trees that are a minimum of five feet tall. The residential property owner to the rear has no problem with the buffer amendment (see attached letter from Solheim Management Two, LLC). Third, the applicant would like to keep their third driveway location on the north end of the property. It was stipulated by Cobb DOT that the applicant could only have two driveways. If approved, all other stipulations would remain in effect.

**STAFF COMMENTS**

Cobb DOT: Recommend one driveway per tract.

**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

06-053-2015

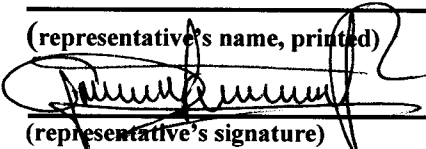
(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 12-15-15

Applicant: Coeller Auto Repair. Phone #: (678) 925-8669  
(applicant's name printed)

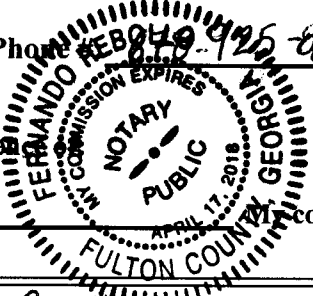
Address: 1700 Atlanta Rd. SE E-Mail: kagiliga@icloud.com

Address: \_\_\_\_\_  
(representative's name, printed)

  
(representative's signature)

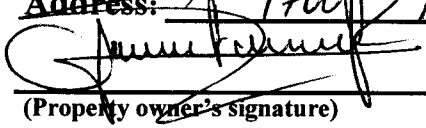
Phone: (678) 925-8669 E-Mail: kagiliga@icloud.com

Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary Public \_\_\_\_\_ Commission expires: 04-17-2018

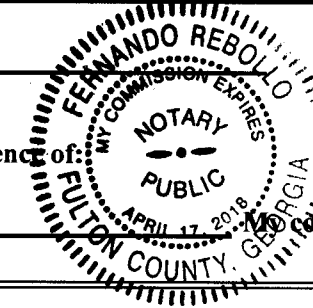


Titleholder(s): Gabriel Coeller Phone #: (678) 925-8669  
(property owner's name printed)

Address: 1700 Atlanta Rd SE E-Mail: kagiliga@icloud.com

  
(Property owner's signature)

Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary Public \_\_\_\_\_ Commission expires: 04-17-2018



Commission District: 3 Zoning Case: 7-65 of 2014

Date of Zoning Decision: 11-18-14 Original Date of Hearing: 11-18-14

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

Land Lot(s): 370 District(s): 17th

State specifically the need or reason(s) for Other Business: Letter Attached.  
(Exhibit A)

October 15, 2015.

From: Cuellar Auto Repair.

To: Cobb County Board of Commissioners.

Re-zoning # Z-65.

To whom may concern:

We would like to be under the consideration and modified the previous stipulations about our Rezoning.

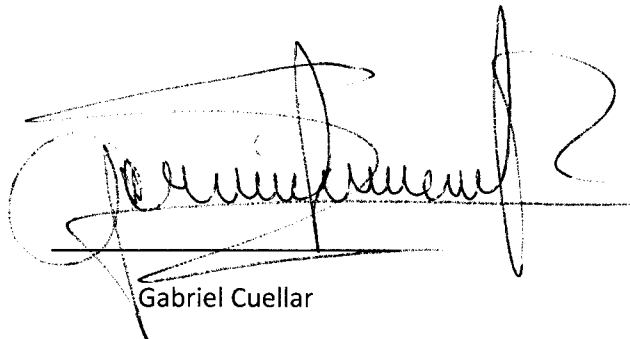
We are agreed about an eight foot landscaping enhancement strip along Atlanta Rd, but would like to request to get your approval to do the landscaping without digging, because of a pipe line from Atlanta Gas (on red in the plan), to do this we plan to raise the bed by 1 foot.

Secondly, we would like to plant six (6) Magnolia grandiflora – Southern Magnolia trees, with a minimum size of 5' at the moment of the installation for the buffer along the adjacent residential property to the fence. The other part has cement on it and planting c - trees will be difficult to continue with the buffer to the end of the property line. Also we have a letter from the owner of the private property, (Admirals Quarters Apartments) stating that we are good with our proposal.

Thirdly, on the point of the Transportation recommendation, we would like to keep the 3 driveways. There are 2 different business at the same building (Cuellar Auto Repair and Atlanta Transmission Savers) and the other entrance will be used for the U-Haul trucks.

If you have any question feel free to contact me Gabriel at (678) 925-8669, kagiliga@icloud.com or my agent Fernando (770) 265-1552; freagencyllc@gmail.com.

Sincerely,



Gabriel Cuellar

OB-053-2015  
Letter from adjacent  
residential property.

**Solheim Management Two LLC**  
**Investment Management & Consulting**

117 Grove Way Suite #325  
Roswell, Georgia 30075

October 7, 2015

To Whom It May Concern:

We are the owners of the Admirals Quarters Apartments at 1725 Darwin Road, Smyrna, GA 30080. This letter is to address the "Installation of a 20' landscape buffer along entire property line adjacent to the residential property behind the parcel to mitigate site and sound "for Cuellar Auto Repair (Z65). We are the residential property from this quote and at this time have no problem with the existing concrete pad that would be in part of this buffer. If you have any questions or concerns about this issue please feel free to call me at 770-354-0256.



Greg Solheim

Managing Partner

Solheim Management Two LLC  
117 Grove Way Suite #325  
Roswell, Georgia 30075

OB-053-2015  
Proposed Landscape Plan

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

JUL 11 2014

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.



AGL 12"

Proposed Easement  
Proposed Landscape

ATLANTA ROAD 80' R/W

430' ALONG R/W TO CENTERLINE OF DARWIN ROAD

ASPHALT DRIVEWAY ENCROACHING ONTO SUBJECT PROPERTY BY 4.0'



NF FRISBIE FAMILY PARTNERSHIP D.B. 5286 PG. 1486

TRACT ONE  
0.990 ACRES  
42,909 SQ FT

ONE STORY METAL BUILDING

NF BOOTHE D.B. 9281 PG. 13

Proposed Buffer Area  
Proposed Crawl Space

N 42°13'52" E 197.86'

10' B.S.L.

30' B.S.L.

30' B.S.L.

30' B.S.L.

10' B.S.L.

10' B.S.L.

NF SOLHEIM MANAGEMENT TWO, LLC D.B. 14835 PG. 5478

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**

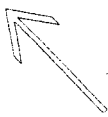
- PROPERTY ADDRESS 1700 ATLANTA ROAD, SUITE A
- ZONING DISTRICT GC
- SUBJECT PROPERTY DEED REFERENCE D.B. 14939 PG. 1846
- HATCHED AREA REPRESENTS AN OVERLAP OF D.B. 9281 PG. 13 AND D.B. 14939 PG. 1846
- TRACT TWO OVERLAPS D.B. 15108 PG. 5901
- INTENDED USE IS FOR A UHAUL BUSINESS

**BOUNDARY SURVEY FOR:**

**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 STONEBROOK DRIVE, SE  
MARLETON, GA. 30126  
TELEPHONE 770-253-5585  
HARBUCKLANDSURVEYORS@GMAIL.COM  
SCALE 1" = 40'  
07.02.2014  
FIELD WORK 07.10.2014

Min. Blk. 74 Position No. 2-65  
Doc. Type 312e 01/01/14  
Meeting Date 11/18/14



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

N 46°56'31" W 168.30'

S 38°57'57" W 233.27'

N 88°58'07" E 244.81'

N 47°54'19" W 54.30'

S 47°54'19" E 54.30'

N 42°39'41" W 122.98'

S 42°53'21" W 174.20'

S 38°34'53" W 58.73'

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NF RACKLEY D.B. 15109 PG. 5901

FIELD WORK 07.10.2014

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 18, 2014  
PAGE 3

CONTINUED, HELD, OR WITHDRAWN (CONT.)

~~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 17<sup>th</sup> 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 19<sup>th</sup> 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 18<sup>th</sup> 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 17<sup>th</sup> 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 decision; 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 20<sup>th</sup> 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 dedication of system improvements to mitigate traffic concerns

**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.



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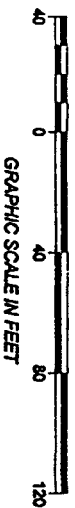
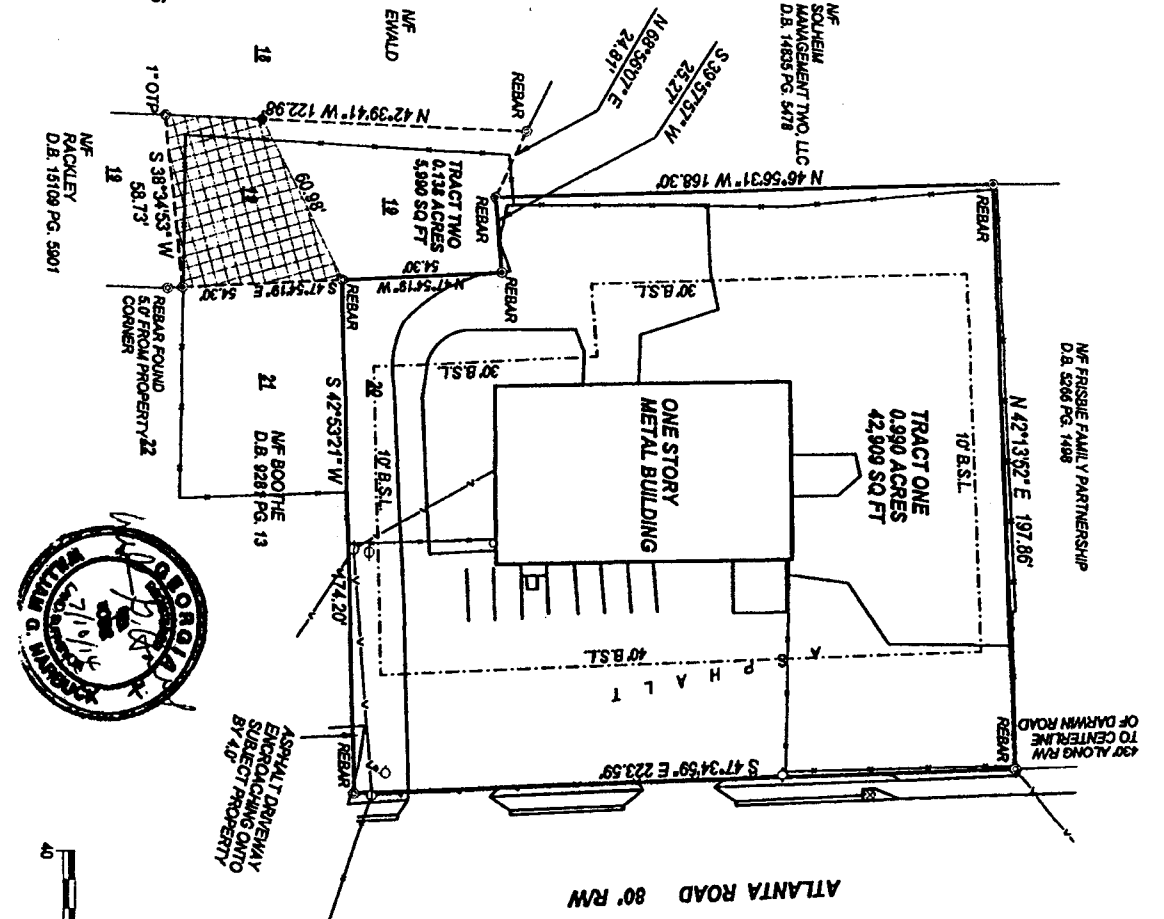
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 TRACT TWO OVERLAPS D.B. 15109 PG. 5801  
 INTENDED USE IS FOR A SMALL BUSINESS

**SURVEY FOR:**

**CELLAR 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 STONEBROOK DRIVE, SE  
 MABLETON, GA. 30126  
 TELEPHONE 770-253-5585  
 HARBUCKLANDSURVEYORS@GMAIL.COM  
 SCALE 1" = 40'  
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LEGEND	
●	POC POINT OF COMMENCEMENT
○	POB POINT OF BEGINNING
⊙	IRON PIN FOUND
⊗	IRON PIN SET
⊘	UTILITY POLE
—	OVERHEAD POWER LINE
---	BACK OF CURB

JUL 11 2014

Meeting Date 7/18/14  
 Min. Bk. 74 Partition No. 59-2  
 Doc. Type Site Plat

OTHER BUSINESS (CONT.)

~~O.B. 20 To consider amending the stipulations for Nick and Anna Letsos regarding SLUP-4 (Nick Letsos and Anna N. Letsos) of 2010, for property located at the northwesterly intersection of Canton Road and Westerly Way in Land Lot 660 of the 16<sup>th</sup> District.~~

~~Mr. Pederson provided information regarding a stipulation amendment to extend the time limit for the Special Land Use Permit. The public hearing was opened and Mr. Garvis L. Fams Jr. and Ms. Carol Brown addressed the Board. Following presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Birrell, second by Ott, to **approve** O.B. 20 for stipulation amendment for Nick and Anna Letsos regarding Special Land Use Permit application SLUP-4 (Nick Letsos and Anna N. Letsos) of 2010, for property located at the northwesterly intersection of Canton Road and Westerly Way in Land Lot 660 of the 16<sup>th</sup> District, subject to:~~

- ~~• Time limit extended for 36 months~~
- ~~• All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect~~

~~VOTE: ADOPTED 4-0, Lee absent~~

**O.B. 21** 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 17<sup>th</sup> District.

Mr. Pederson provided information regarding a stipulation amendment to remove the lighting plan noted in the previous zoning condition. The public hearing was opened and Mr. Gabriel Cuellar and Mr. Fernand Rebollo addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Weatherford, to **approve** O.B. 21 for stipulation amendment regarding application 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 17<sup>th</sup> District, subject to:

- No additional lights are required
- If additional lighting is contemplated in the future, then lighting to be approved by the District Commissioner
- All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: ADOPTED 4-0, Lee absent