



# Gwinnett County Board of Commissioners

Tuesday, March 27, 2007 - 7:00 PM

## Public Hearing - Minutes

### **I. Call To Order, Invocation, Pledge to Flag**

### **II. Opening Remarks by Chairman**

### **III. Approval of Agenda**

{Action: Approved Motion: Beaudreau Second:  
Kenerly Vote: 5-0}

### **IV. Approval of Minutes:**

Business Session – March 20, 2007  
Executive Session – March 27, 2007

{Action: Approved Motion: Beaudreau Second:  
Kenerly Vote: 5-0}

### **V. Announcements**

Resolution of Recognition – Commending the Miss Dacula 2006 Representatives  
{Action: Approved Motion: Green Second: Kenerly Vote: 5-0}

Resolution of Recognition – Commending the Gwinnett Student Leadership Team Members  
{Action: Approved Motion: Green Second: Nasuti Vote: 5-0}

### **VI. Old Business**

#### **1. Planning & Development/Glenn Stephens**

**2006-1512 CIC-06-035**, Newell Recycling of Atlanta, Inc, Change Hours Of Operation, Change Type And Height Of Materials Allowed And Eliminate Tree Save Areas, M-2 (Change in Conditions), LL250, 6th District, Parcel 004, 2800 Block of Amwiler Road, District 2/Nasuti(Tabled on 3/27/2007) (Tabled to 4/17/2007)(Public hearing was held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions] {Action: Tabled Motion: Nasuti Second: Green Vote: 5-0}

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### **VI. Old Business**

#### **1. Planning & Development/Glenn Stephens**

**2007-0314 SUP-07-033**, Jennifer Lauro, Truck Rental, C-2, District 6, Land Lot 190, Parcel 001, 5000 Block of Jimmy Carter Boulevard.

District 2/Nasuti(Tabled on 2/27/2007)[Planning Department

Recommendation: Approve with Conditions][Planning Commission

Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Nasuti Second: Green Vote: 5-0}**

**2007-0315 SUP-07-035**, Jose Aguilar, Automobile Sales, C-2, District 6, Land Lot 245, Parcel 035, 6400 Block of Buford Highway. District

2/Nasuti(Tabled on 2/27/2007)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation:

Approve with Conditions] **{Action: Approved with Stipulations Motion: Nasuti Second: Green Vote: 5-0}**

**2006-1666 RZC-07-031**, SS&S Developments, LLC, Commercial Retail Uses (Reduction in Buffers), R-100 to C-2, LL337, 7th District, Parcels 013, 014 & 023, 900 Block of Riverside Road, 5700 Block of Austin

Garner Road, District 4/Kenerly(Tabled on 3/27/2007) (Tabled to 4/10/2007)(Public hearing was held)[Planning Department

Recommendation: Deny][Planning Commission Recommendation: Deny] **{Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}**

**2006-1665 RZM-06-026**, SS&S Developments, LLC, Townhomes, R-100 to R-TH, LL337, 7th District, Parcels 013, 014 & 023, 900 Block of Riverside Road, 5700 Block of Austin Garner Road, District

4/Kenerly(Tabled on 3/27/2007) (Tabled to 4/10/2007)(Public hearing was held)[Planning Department Recommendation: Deny][Planning

Commission Recommendation: Deny] **{Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}**

**2006-1667 RZM-06-027** (Amended), Mill Creek Associates, Townhomes and Commercial/Retail (Reduction in Buffers), M-1 to R-TH (10.20

acres), R-75 to C-2 (1.64 acres), LL256, 7th District, Parcel 011, 700

Block of Buford Highway, District 4/Kenerly(Tabled on

1/23/2007)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with

Conditions] **{Action: Approved 1.64 acres as C-2 with Planning**

**Commission recommendations Motion: Kenerly Second: Beaudreau Vote: 5-0}(Denied 10.2 acres M-1 to R-TH)}**

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**VI. Old Business**

**1. Planning & Development/Glenn Stephens**

**2007-0299 RZM-07-001**, Old Fields, LLC, Townhomes, R-100 To R-TH, District 7, Land Lot 104, Parcel 006 & Land Lot 105, Parcel 009, 1200 Block of Old Peachtree Road and 1200 Block of Mill Shyre Way. District 4/Kenerly(Tabled on 2/27/2007)[Planning Department Recommendation: Approve with Conditions as R-75 MOD][Planning Commission Recommendation: Approve with Conditions as R-60] **{Action: Approved as R-60 with Stipulations Motion: Kenerly Second: Beaudreau Vote: 4-1 (Bannister Opposed)}**

**2007-0304 RZM-07-005**, A & P Partners, LLC, Senior Oriented Residences (Attached), R-75 To R-SR, District 5, Land Lot 149, Parcel 002 & Land Lot 172, Parcel 025, 0-100 Block of Simonton Road. District 4/Kenerly(Tabled on 3/27/2007) (Tabled to 4/10/2007)(Public hearing was held)[Planning Department Recommendation: Approve with Conditions as R-SR DET][Planning Commission Recommendation: Approve with Conditions] **{Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}**

**2007-0305 RZM-07-006** (Amended), A & P Partners, LLC, Senior Oriented Residences (Attached), R-75 to R-SR, District 5, Land Lot 149, Parcel 002, 0-100 Block of Simonton Road, 800 Block of Brand South Trail. District 4/Kenerly(Tabled on 3/27/2007) (Tabled to 4/10/2007)(Public hearing was held)[Planning Department Recommendation: Approve with Conditions as R-SR DET][Planning Commission Recommendation: Approve with Conditions] **{Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}**

**2006-1798 RZR-06-053**, JEM Development, LLC, Single-Family Conservation Subdivision, RA-200 to R-60 (Revised to R-SR), LL001, 1st District, Parcels 019, 020, 158 & 364, 3600 Block of Sardis Church Road, District 4/Kenerly(Tabled on 3/27/2007) (Tabled to 5/1/2007)(Public hearing was held)[Planning Department Recommendation: Approve with Conditions as R-75 MOD][Planning Commission Recommendation: Approve with Conditions as R-75 Mod] **{Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}**

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### **VII. Public Hearing**

#### **1. Support Services/Connie Hinson**

**2007-0412 Approval/authorization** of a public hearing and abandonment of a public un-named road off Thompson Mill Road, authorization for Chairman to execute a quit claim deed in land lot 263 of the 7th land district, abandonment in accordance with Georgia statutes on abandonment found in O.C.G.A. 32-7-2 HB 1539. District 4/Kenerly(Staff Recommendation: Approval) {Action: Approved Motion: Kenerly Second: Beaudreau Vote: 4-0 (Nasuti out of room)}

#### **2. Transportation/Brian Allen**

**2007-0439 Approval** of incorporation into the Gwinnett County Speed Hump Program - Spender Drive (M-0092-35) estimated cost: \$8,200.00 - 2001 Sales Tax Program - Commission District 1/Green(Staff Recommendation: Approval) {Action: Approved Motion: Green Second: Kenerly Vote: 4-0 (Nasuti out of room)}

#### **3. Change in Conditions:**

**2007-0429 CIC-07-011**, Central Gwinnett Partners, LLC, R-ZT, Change in Conditions, LL238, 5th District, Parcel 002, 100 Block of Rock House Road. District 4/Kenerly(Tabled on 3/27/2007) (Tabled to 4/10/2007)(Public hearing was held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] {Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}

**2007-0430 CIC-07-012**, Penn Hodge Properties, M-1, Change in Conditions (Remove Alcohol Sales Prohibition and Allow Drug Store), LL242, 5th District, Parcel 023, 1600 Block of Winder Highway, 100 Block of Alcovy Industrial Way. District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {Action: Approved with Stipulations Motion: Kenerly Second: Beaudreau Vote: 5-0}

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#### **3. Change in Conditions:**

**2007-0431 SUP-07-043**, Penn Hodge Properties, M-1, Tire Store, LL242, 5th District, Parcel 023, 1600 Block of Winder Highway, 100 Block of Alcovy Industrial Way. District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Kenerly Second: Beaudreau Vote: 5-0}**

**2007-0459 CIC-07-010**, Rockhouse Brock, LLC, R-ZT, Change in Conditions, LL238, 5th District, Parcel 048, 100 Block of Rock House Road. District 4/Kenerly(Tabled on 3/27/2007) (Tabled to 4/10/2007)(Public hearing was held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] **{Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}**

#### **4. Special Use Permit:**

**2007-0453 SUP-07-040**, Antioch Church, Church, M-1 & R-100, LL168, 7th District, Parcels 001 and 019, 3237-3247 Burnette Road. District 1/Green[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Green Second: Nasuti Vote: 4-0 (Beaudreau out of room)}**

**2007-0454 SUP-07-041**, Babatunde L. & Kemi Adegunwa-Keyede, Daycare Center, O-I, LL079, 5th District, Parcel 002, 1600 Block of Lawrenceville Highway and 100 Block of Davis Mill Court. District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Kenerly Second: Green Vote: 5-0}**

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#### **4. Special Use Permit:**

**2007-0455 SUP-07-051**, Oakland Partners, LLC, Single-Family Conservation Subdivision, R-75, LL293, 7th District, Parcel 031, 1500 Block of Peachtree Industrial Boulevard. District 4/Kenerly[Planning Department Recommendation: Approve][Planning Commission Recommendation: Approve] **{Action: Approved with Stipulations Motion: Kenerly Second: Beaudreau Vote: 5-0}**

#### **5. Rezonings:**

**2007-0419 RZR-07-001**, Leafwood Corporation, Single-Family Subdivision, R-100 to R-60, LL 004, 6th District, Parcels 040, 041, and 174, 4000-4100 Block of Egypt Road. District 3/Beaudreau(**Tabled on 3/27/2007 (Tabled to 5/22/2007)(Public hearing was not held)**)[Planning Department Recommendation: Approve with Conditions as R-100 CSO][Planning Commission Recommendation: Tabled - Date: 05/15/2007] **{Action: Tabled Motion: Beaudreau Second: Kenerly Vote: 5-0}**

**2007-0420 RZR-07-002**, JEM Development, LLC, Single-Family Subdivision, RA-200 to R-60, LL007, 3rd District, Parcels 042 and 193, 4800 Block of Sprout Springs Road. District 4/Kenerly(**Tabled on 3/27/2007 (Tabled to 4/24/2007)(Public hearing was not held)**)[Planning Department Recommendation: Approve with Conditions as R-75 CSO][Planning Commission Recommendation: Tabled - Date: 04/17/2007] **{Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}**

**2007-0421 RZR-07-013**, Michael Chunta, Single-Family Subdivision, RA-200 to R-100, LL003, 1st District, Parcels 029 and 031, 3600 Block of Thompson Mill Road. District 4/Kenerly(**Tabled on 3/27/2007 (Tabled to 4/24/2007)(Public hearing was not held)**)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 04/17/2007] **{Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}**

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**5. Rezonings:**

**2007-0422 RZR-07-006**, Contract Development, LLC, Modified Single-Family Subdivision, RA-200 to R-75 Modified, LL001, 2nd District, Parcel 415, 3300 Block of Fence Road. District 3/Beaudreau[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions as R-100 Mod] **{Action: Approved as R-100 Modified with Stipulations Motion: Beaudreau Second: Kenerly Vote: 5-0}**

**2007-0423 SUP-07-008**, Contract Development, LLC, Modified Single-Family Subdivision, R-75 (Proposed), LL001, 2nd District, Parcel 415, 3300 Block of Fence Road. District 3/Beaudreau[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions as R-100 Mod] **{Action: Approved as R-100 Modified with Stipulations Motion: Beaudreau Second: Kenerly Vote: 5-0}**

**2007-0424 RZR-07-008**, Trinity Builder Group, Single-Family Subdivision, O-I to R-100, LL061, 7th District, Parcel 018, 1900 Block of Old Peachtree Road. District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Kenerly Second: Beaudreau Vote: 5-0}**

**2007-0425 RZR-07-009**, Arnold Development, Inc., Single-Family Subdivision (Reduction in Buffers), M-1 to R-ZT, LL126, 6th District, Parcel 001, 0-100 Block of Lester Road. District 2/Nasuti[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Nasuti Second: Green Vote: 5-0}**

**2007-0426 RZR-07-010**, Dixie Development, Modified Single-Family Subdivision, RA-200 to R-100 Modified, LL002, 2nd District, Parcel 150, 900 Block of Auburn Road. District 3/Beaudreau[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Beaudreau Second: Kenerly Vote: 4-0 (Green out of room)}**

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**5. Rezonings:**

**2007-0427 SUP-07-013**, Dixie Development, Modified Single-Family Subdivision, R-100 (Proposed), LL002, 2nd District, Parcel 150, 900 Block of Auburn Road. District 3/Beaudreau[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Beaudreau Second: Kenerly Vote: 4-0 (Green out of room)}**

**2007-0428 RZR-07-011**, Vintage Communities, Single-Family Subdivision, RA-200 to R-100, LL248, 5th District, Parcel 014, 1600 Block of Ewing Chapel Road. District 3/Beaudreau[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Beaudreau Second: Kenerly Vote: 4-0 (Green out of room)}**

**2007-0432 RZR-07-003**, T. K. Moreland, Single-Family Conservation Subdivision, RA-200 to R-100 CSO, LL246, 5th District, Parcels 006 and 129, 1000 Block of Campbell Road. District 3/Beaudreau**(Tabled on 3/27/2007) (Tabled to 4/24/2007)(Public hearing was not held)**[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 04/17/2007] **{Action: Tabled Motion: Beaudreau Second: Kenerly Vote: 5-0}**

**2007-0433 SUP-07-004**, T. K. Moreland, Single-Family Conservation Subdivision, R-100 (Proposed), LL246, 5th District, Parcels 006 and 129, 1000 Block of Campbell Road. District 3/Beaudreau**(Tabled on 3/27/2007) (Tabled to 4/24/2007)(Public hearing was not held)**[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 04/17/2007] **{Action: Tabled Motion: Beaudreau Second: Kenerly Vote: 5-0}**

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**5. Rezonings:**

**2007-0434 RZR-07-004**, The Columns Group, Inc., Modified Single-Family Subdivision, RA-200 to R-100 Modified, LL002, 1st District, Parcel 029, 2600-2700 Block of Thompson Mill Road. District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Kenerly Second: Beaudreau Vote: 5-0}**

**2007-0435 SUP-07-005**, The Columns Group, Inc., Modified Single-Family Subdivision, R-100 (Proposed), LL002, 1st District, Parcel 029, 2600-2700 Block of Thompson Mill Road. District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Kenerly Second: Beaudreau Vote: 5-0}**

**2007-0436 RZR-07-012**, Home Crafters, Inc., Modified Single-Family Subdivision, RA-200 to R-100 Modified, LL003, 2nd District, Parcels 023 and 209, 400 Block of Auburn Road. District 3/Beaudreau(**Tabled on 3/27/2007 (Tabled to 4/24/2007)**(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions as R-100] **{Action: Tabled Motion: Beaudreau Second: Kenerly Vote: 5-0}**

**2007-0437 SUP-07-015**, Home Crafters, Inc., Modified Single-Family Subdivision, R-100 (Proposed), LL003, 2nd District, Parcels 023 and 209, 400 Block of Auburn Road. District 3/Beaudreau(**Tabled on 3/27/2007 (Tabled to 4/24/2007)**(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Deny] **{Action: Tabled Motion: Beaudreau Second: Kenerly Vote: 5-0}**

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#### **6. Planning & Development/Glenn Stephens**

**2007-0347 Amendment-07-001**, An Amendment to the 1985 Zoning Resolution of Gwinnett County to Article XIII Use Provisions Section 1315. Activity Center/Corridor Overlay District Requirements to apply the Overlay District requirements to certain properties within the Peachtree Corners Community of Unincorporated Gwinnett County, and the adoption of an Official Peachtree Corners Overlay District Map. **{Action: Approved Motion: Nasuti Second: Green Vote: 5-0}**

**2007-0393 TSP-2007-002** to allow the construction of a church steeple, with cross, atop a new church facility. Total height is 85 ft. Location is 2500 Ivy Creek Road. Commission District 4/Kenerly(Staff Recommendation: Approval with conditions - see attachment) **{Action: Approved with Stipulations Motion: Kenerly Second: Beaudreau Vote: 5-0}**

**2007-0414 TSP-2007-001** construction of a 185-ft tall monopole telecommunications tower with ground equipment. Location is 2129 Old Peachtree Road. Commission District 4/Kenerly(Staff Recommendation: Approval with conditions - See attachment) **{Action: Denied Motion: Kenerly Second: Beaudreau Vote: 5-0}**

**2007-0417 TSP-2007-003** construction of a 199-ft tall telecommunications tower with ground equipment. Location is 353 Sweetgum Road. Commission District 4/Kenerly(**Tabled on 3/27/2007**) (**Tabled to 4/10/2007**)(Staff Recommendation: Approval with conditions - See attachment)(Public hearing was held) **{Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}**

**2007-0418 TSP-2007-004** construction of a 184-ft tall telecommunications tower with ground equipment. Location is 12 Bethesda Church Road. Commission District 4/Kenerly(Staff Recommendation: Denial) **{Action: Denied Motion: Kenerly Second: Beaudreau Vote: 5-0}**

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#### **6. Planning & Development/Glenn Stephens**

**2007-0404 Rezoning** The Applicant, Johnson Road Properties, LLC, requests that three related rezoning cases (RZM-07-011, RZC-08-018 and SUP-08-004) be re-scheduled for concurrent public hearings in May 2007. Property is located on Suwanee Dam Road at Johnson Road. Commission District 4 (Kenerly) {Action: Approved Motion: Kenerly Second: Beaudreau Vote: 5-0}

### **VIII. New Business**

#### **1. Planning & Development/Glenn Stephens**

**2007-0490 Approval/authorization** for Chairman to sign resolution allowing commercial rezoning cases to fill vacant slots on the multifamily public hearing agendas scheduled for May 2007, August 2007, and a portion of November 2007. This action is being requested in order to reduce the backlog of commercial rezoning cases. (No public hearing required.)(Staff Recommendation: Approval) {Action: Approved Motion: Kenerly Second: Beaudreau Vote: 5-0}

### **IX. Comments from Audience**

### **X. Adjournment**