



Gwinnett County Board of Commissioners

Tuesday, January 22, 2008 - 7:00 PM

Public Hearing - Agenda

I. Call To Order, Invocation, Pledge to Flag

II. Opening Remarks by Chairman

III. Approval of Agenda

IV. Approval of Minutes:

Business Session: January 15, 2008
Executive Session: January 22, 2008

V. Announcements

- Resolution of Recognition: Duluth High School Varsity Cheerleading Team
- Resolution of Recognition: Sheriff's Department 2007 Explorer Post of the Year

VI. New Business

1. County Administration

2008-0128 Approval of a Resolution Consenting to the De-Annexation of Certain Property from the City of Buford, Georgia (Staff Recommendation: Approval)

2. Financial Services/Lisa Johnsa

2008-0173 Approval/authorization for Chairman to execute a resolution authorizing a project for construction of a "AAA" baseball stadium. (Staff Recommendation: Approval)

2008-0183 Approval/authorization of adoption of the Rental Motor Vehicle Excise Tax Ordinance, effective April 1, 2008. (Staff Recommendation: Approval)

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VI. New Business

3. Planning & Development/Glenn Stephens

2008-0167 Rezoning Waiver of Time Lapse Requirement for Rezoning - RZC-07-022 and RZC-07-023. The Applicant requests waiver of the 12 month time lapse requirement to seek a change in conditions (CIC-08-001 and CIC-08-002) for the above referenced rezoning cases. The original rezoning cases were approved in April 2007, and the applicant is seeking February 2008 hearing dates for the proposed change in conditions cases. The properties are located on Lake Carlton Road and Midway Road. Commission District 3 (Beaudreau).

VII. Public Hearing – Old Business

1. Planning & Development/Glenn Stephens

2007-1674 CIC-07-033, Applicant: Michele Ritsch ACP, LLC, Owner: Peachtree Parkway Properties, LLC, to Change Conditions of Zoning for Property Zoned C-2, District 6 Land Lot 301 Parcel 056, 5200 Block of Peachtree Parkway and the 4900 Block of Peachtree Corners Circle, 8.90 Acres, District 2/Nasuti(Tabled on 11/27/2007)(Public hearing was not held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions]

2007-1866 SUP-07-107, Applicant: Donovan Flowers, Owner, C. E. Smith, for a Special Use Permit in a C-2 Zoning District to Allow Automobile Service, District 7 Land Lot 028A Parcel 121, 500 Block of Braselton Highway, 0.58 Acres, District 4/Kenerly(Tabled on 12/11/2007)(Public hearing was not held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions]

2007-1869 SUP-07-110, Applicant: Legacy Academy, Owner: Suidan Investments, Inc., PBJ, Inc., and Planet Development Corp., for a Special Use Permit in a M-1 Zoning District to Allow a Daycare Center, District 6 Land Lot 269 Parcels 080 and 081, 4500 Block of Peachtree Industrial Boulevard, 2.0 Acres, District 2/Nasuti(Tabled on 12/11/2007)(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

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VII. Public Hearing – Old Business

1. Planning & Development/Glenn Stephens

2007-1547 RZC-08-017, Applicant: Martins Chapel, LLC, Owner: Martins Chapel, LLC, et al, R-75 to C-2, Commercial Retail Uses (Reduction in Buffers), District 5 Land Lot 213 Parcels 002, 003, 015, and 016, 700 Block of Martins Chapel Road and the 1000 Block of Simonton Road, 9.33 Acres, District 4/Kenerly(Tabled on 11/27/2007)(Public hearing was not held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny]

2007-1550 RZC-08-020, Applicant: Harry L. Swilley, Owner: Harry L. Swilley, R-75 to M-1, Outdoor Storage Yard, District 6 Land Lot 257 Parcel 003A, 2700 Block of Hamrick Road, NW, 4.36 Acres, District 2/Nasuti(Tabled on 11/27/2007)(Public hearing was not held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny without Prejudice]

2007-1559 RZC-08-029, Applicant: Darji and Parma Consultants, LLC, Owner: Fence Road Properties, LLC, RA-200 to C-2, Commercial Retail Uses (Reduction in Buffers), District 2 Land Lot 002 Parcels 043 and 084, 800 Block of Auburn Road and the 3500 Block of Fence Road, 3.46 Acres, District 3/Beaudreau(Tabled on 11/27/2007)(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions as C-2 and O-I][Planning Commission Recommendation: Approve with Conditions as C-2 and O-I]

2007-1659 RZC-08-033, Applicant: Panorama Hospitality, Inc., Owner: J. C. and Imogene Mooney, et al, R-100 to C-2, Commercial/Retail (Reduction in Buffers), District 7 Land Lot 176 Parcels 007, 008, 009, 022, 042, 099, and 116, 3100 Block of Financial Center Way, 8.78 Acres, District 4/Kenerly(Tabled on 11/27/2007)(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

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1. Planning & Development/Glenn Stephens

2007-1660 SUP-07-072, Applicant: Panorama Hospitality, Inc., Owner: J. C. and Imogene Mooney et al, for a Special Use Permit in a C-2 Zoning District for Building Height Increase to Six Stories, District 7 Land Lot 176 Parcels 007, 008, 009, 022, 042, 099, 116, 3100 Block of Financial Center Way, 8.78 Acres, District 4/Kenerly(Tabled on 11/27/2007)(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2007-1662 RZC-08-035, Applicant: Atlanta Paving and Concrete Construction, Inc., Owner: Ernest T. Lopez, R-75 to M-1, Contractors Office (Reduction in Buffers), District 6 Land Lot 251B Parcels 005, 006, 022, and 024, 4400 Block of Peachtree Street, 4400 Block of Georgia Avenue, and the 6100 Block of Second Street, 1.18 Acres, District 2/Nasuti(Tabled on 11/27/2007)(Public hearing was not held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions]

2007-1667 RZC-08-040, Applicant: Tung Q. Le, Owner: New Saigon Plaza, LLC, O-I to C-2, Commercial Retail Uses (Reduction in Buffers), District 6 Land Lot 169 Parcel 008A, 4700 Block of Jimmy Carter Boulevard, 2.85 Acres, District 2/Nasuti(Tabled on 12/11/2007)(Public hearing was not held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Tabled - Date: 02/19/2008]

2007-1444 RZR-07-031, Applicant: WJ Ventures, LLC, Owner: Joenelle Hetland, et al, RA-200 and R-100 to R-ZT, Single-Family Subdivision (Reduction in Buffers), District 6 Land Lot 006 Parcel 084, District 6 Land Lot 005 Parcels 001A, 212, 213 and 214, 4100 Block of Centerville Highway, 51.69 Acres, District 3/Beaudreau(Tabled on 9/25/2007)(Public hearing was not held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny]

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1. Planning & Development/Glenn Stephens

2007-1446 RZR-07-034, Applicant: Hemlock Holdings, LLC, Owner: Hulon L. Minor, R-75 to R-ZT, Single-Family Subdivision, District 6 Land Lot 227 Parcel 004, 2200 Block of Ingram Road, 5.62 Acres, District 2/Nasuti(Tabled on 11/27/2007)(Public hearing was not held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions as R-60]

2007-1459 RZR-07-040, Applicant: Tahoe Development Group, LLC, Owner: Louis Cancilla, et al, R-140 to R-ZT, Single-Family Subdivision (Reduction in Buffers), District 5 Land Lot 077 Parcels 026, 027, 028, 029 and 030, 300 Block of Rack Road, 11.45 Acres, District 4/Kenerly(Tabled on 10/23/2007)(Public hearing was not held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Tabled - Date: 03/18/2008]

VIII. Public Hearing – New Business

1. Support Services/Steve North

2008-0047 Approval to abandon a portion of a public road known as Oak Grove Road and for Chairman to execute a quitclaim deed in land lot 160 of the 5th land district, abandonment in accordance with Georgia statutes on abandonment found in O.C.G.A. 32-7-2 HB 1539. District 3/Beaudreau(Staff Recommendation: Approval)

2008-0053 Approval/authorization of a public hearing and abandonment of a portion of a public road known as Commercial Court, authorization for Chairman to execute the quitclaim deed in land lot 169 of the 6th land district, abandonment in accordance with Georgia statutes on abandonment found in O.C.G.A. 32-7-2 HB 1539. District 2/Nasuti(Staff Recommendation: Approval)

2008-0058 Approval/authorization of a public hearing and abandonment of a portion of a public road known as Hamilton Mill Lane, authorization for Chairman to execute the quitclaim deeds in land lot 221 and 222 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)

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2. Transportation/Brian Allen

2008-0054 Approval of incorporation into the Gwinnett County Speed Hump Program - Casco Forest (M-0092-46) estimated cost: \$6,560.00 - 2001 Sales Tax Program - Commission District 1/ Green(Staff Recommendation: Approval)

2008-0057 Approval of incorporation into the Gwinnett County Speed Hump Program - Lake Carlton Woods (M-0092-47) estimated cost: \$9,840.00 - 2001 Sales Tax Program - Commission District 3/Beaudreau(Staff Recommendation: Approval)

3. Change in Conditions:

2008-0118 CIC-08-003, Applicant: Pubot, LLC, Owner Pubot, LLC, to Change Conditions of Zoning of Property Zoned R-TH, District 7 Land Lot 042 Parcels 003B and 023, 1300 Block of Herrington Road, 3.76 Acres, District 1/Green[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2008-0119 CIC-08-004, Applicant: Jim Corcoran, Owner: Dumplings, LLP, to Change Conditions of Zoning for Property Zoned C-2, District 6 Land Lot 051 Parcels 008 and 093, 3000-3100 Block of Old U.S. Highway 78, 3000-3100 Block of West Main Street, 7.53 Acres, District 3/Beaudreau[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2008-0120 RZC-08-057, Applicant: Jim Corcoran, Owner: Dumplings, LLP, R-100 to C-2, Commercial Retail Uses, District 6 Land Lot 068 Parcels 007A and 007 and District 6 Land Lot 051 Parcel 008A, 3000-3100 Block of Old U.S. Highway 78, 3000-3100 Block of West Main Street, 3.19 Acres, District 3/Beaudreau[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

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4. Special Use Permit:

2008-0125 SUP-08-015, Applicant: SRI Real Estate Properties, Owner: Flash Foods, Inc., for a Special Use Permit in a C-1 Zoning District to Allow a Drive-In Restaurant, District 6 Land Lot 030 Parcel 091, 3200 Block of Centerville Highway and the 3800 Block of Zoar Road, 0.98 Acres, District 3/Beaudreau[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2008-0121 SUP-08-009, Applicant: Sun Commercial Contracting, Inc., Owner: Robert Greenway, Inc., for a Special Use Permit in a C-2 Zoning District to Allow Automobile Service (Renewal), District 6 Land Lot 052 Parcel 003, 2100 Block of Parkwood Road, 0.54 Acres, District 3/Beaudreau[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2008-0122 SUP-08-012, Applicant: Scientific-Atlanta, Inc., Owner: Scientific-Atlanta, Inc., for a Special Use Permit in an M-1 and M-2 Zoning District to Allow a Building Height Increase (5 Stories), District 7 Land Lot 036 Parcel 001, 1100 Block of Oakland Road, 87.0 Acres, District 1/Green[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2008-0123 SUP-08-013, Applicant: Jeffrey Lignugaris, Owner: Joanne Lignugaris, for a Special Use Permit in an M-1 Zoning District to Allow Truck Rental, District 6 Land Land 201 Parcel 047, 1500 Block of Beaver Ruin Road, 1.95 Acres, District 1/Green[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2008-0124 SUP-08-014, Applicant: UCW-II Management Corporation, Owner: Hamilton Mill 755, LLC, for a Special Use Permit in a C-2 Zoning District to Allow an Automotive Car Wash (Full Service), District 1 Land Lot 001 Parcel 774, 2700 Block of Hamilton Mill Road, 1.08 Acres, District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

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5. Rezoning:

2008-0104 RZC-08-042, Applicant: Urvish Patel, Owner: Patron Development Group, LLC, R-100 to C-1, Commercial Retail Uses (Reduction in Buffers), District 6 Land Lot 098 Parcel 023, 600 Block of Rockbridge Road and the 5300 Block of Lilburn Stone Mountain Road, 1.09 Acres, District 2/Nasuti[Planning Department Recommendation: Approve with Conditions as O-I][Planning Commission Recommendation: Tabled - Date: 02/19/2008]

2008-0105 RZC-08-043, Applicant: Richard Shin, Owner: Hyomg Holt, RA-200 to C-2, Commercial Retail Uses (Reduction in Buffers), District 1 Land Lot 001 Parcel 422, 3200 Block of Hamilton Mill Road, 1.124 Acres, District 4/Kenerly[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny]

2008-0106 RZC-08-044, Applicant: Richard Shin, Owner: Ramon Burgos, R-100 to C-2, Commercial Retail Uses (Reduction in Buffers), District 7 Land Lot 049 Parcels 003 and 013, 1200 Block of Collins Hill Road, 7.85 Acres, District 4/Kenerly[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny]

2008-0107 RZC-08-046, Applicant: Amy Han, Owner: Young Yin Lee, R-75 to O-I, Office Uses, District 6 Land Lot 195 Parcel 023, 6000 Block of Singleton Road, 0.35 Acres, District 1/Green[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2008-0108 RZC-08-047, Applicant: Curt Thompson, Owner: Hector Gomez, R-75 and RM to C-1, Office Uses (Reduction in Buffers), District 6 Land Lot 188 Parcel 260, 5500 Block of Singleton Road, 0.20 Acres, District 1/Green[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny]

2008-0109 RZC-08-048, Applicants: Billy and Brenda Ewing, Owners: Billy and Brenda Ewing, R-100 to C-2, Commercial Retail Uses (Reduction in Buffers), District 6 Land Lot 033 Parcels 012 and 058, 2900 Block of Parkwood Road, 1.47 Acres, District 3/Beaudreau[Planning Department Recommendation: Deny][Planning Commission Recommendation: Tabled - Date: 02/19/2008]

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5. Rezoning:

2008-0110 RZC-08-049, Applicant: Crayon Academy, Owners: William and Georgette Mielke, R-100 to O-I, Daycare Center, District 7 Land Lot 323 Parcel 012, 5600 Block of Sycamore Road, 5.41 Acres, District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Deny]

2008-0111 SUP-08-008, Applicant: Crayon Academy, Owners: William and Georgette Mielke for a Special Use Permit in an O-I (Proposed) Zoning District to Allow a Daycare Center, District 7 Land Lot 323 Parcel 012, 5600 Block of Sycamore Road, 5.41 Acres, District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Deny]

2008-0112 RZC-08-050, Applicant: Swami Narayan Temple, Owner: Ramesh Suhagia, R-75 to O-I, for a Church, Temple, or Synagogue (Reduction in Buffers), District 6 Land Lot 175 Parcel 110, 1000 Block of Beaver Ruin Road, 0.43 Acres, District 2/Nasuti[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2008-0113 RZC-08-051, Applicant: Crescent Development, Owner: Francis Jones, Jr., R-75 to C-2, Commercial Retail Uses (Reduction in Buffers), District 6 Land Lot 184 Parcel 009B, 4200 Block of Arc Way and the 1200 Block of Beaver Ruin Road, 1.71 Acres, District 1/Green[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2008-0114 RZC-08-052, Applicant: Viasat, Inc., Owner: Viasat, Inc., M-2 to O-I, Office Uses, District 7 Land Lot 076 Parcel 019, 1700 Block of Breckinridge Plaza, 10.62 Acres, District 1/Green[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

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5. Rezoning:

2008-0115 SUP-08-011, Applicant: Viasat, Inc., Owner: Viasat, Inc., for a Special Use Permit in an O-I (Proposed) Zoning District to Allow a Building Height Increase (6 Stories), District 7 Land Lot 076 Parcel 019, 1700 Block of Breckinridge Plaza, 10.62 Acres, District 1/Green[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2008-0116 RZC-08-053, Applicant: Ronald Anglin, Owner: Jimmy Stokes, RA-200 to C-2, Commercial Retail Uses, District 6 Land Lot 005 Parcel 210, 4100 Block of Anderson-Livsey Lane, 4400 Block of Castle Gate Drive, and the 4200 Block of Centerville Highway, 2.0 Acres, District 3/Beaudreau[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2008-0117 RZC-08-054, Applicant: Old Peachtree Veterinary Clinic, Owner: Guy Knight, R-100 to C-2, Veterinary Clinic (Reduction in Buffers), District 7 Land Lot 105 Parcel 027, 1000 Block of Old Peachtree Road, 0.87 Acres, District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

6. Planning & Development/Glenn Stephens

2008-0129 TSP-2007-00074 - Construction of a 199 ft tall monopole telecommunication tower with ground equipment. Location is 1600 block Prospect Church Road Commission District 4(Kenerly)(Staff Recommendation: Denial)

IX. Comments from Audience

X. Adjournment