



# Gwinnett County Board of Commissioners

Tuesday, January 27, 2009 - 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: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)}

### IV. Approval of Minutes:

Business Session: January 20, 2009

Executive Session: January 27, 2009

{Action: Approved Motion: Beaudreau Second:  
Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)}

### V. Announcements

### VI. Old Business

#### 1. Commissioners

**2008-2882 Approval/authorization** for Gwinnett County to pledge its contingent financial backing to a \$250,000 working capital loan between the United Community Bank and the Springbrook Golf Commission (dba Collins Hill Golf Club); and provide that County will assume responsibility for repayment in the event of a default by Springbrook Golf Commission. (Tabled on 01/27/2009) (Tabled to 02/03/2009) {Action: Tabled Motion: Nasuti Second: Beaudreau Vote: 3-0 (Lasseter & Kenerly Absent)}

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**VI. Old Business – Public Hearing**

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

**2008-2133 TSP-2008-00023**, Construction of a 195 foot Tall Monopole Telecommunication Tower with ground equipment. Location is 2050 Hurricane Shoals Rd. Commission District 3 (Beaudreau). (Tabled on 01/27/2009) (Tabled to 03/24/2009) (Staff Recommendation: Approval with Conditions)(Public hearing was held) {Action: Tabled Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)}

**2008-2134 TSP-2008-00024**, Construction of a 199 foot Tall Telecommunication Tower with ground equipment. Location is 2565 Camp Mitchell Road. Commission District 3 (Beaudreau). (Tabled on 01/27/2009) (Tabled to 03/24/2009) (Staff Recommendation: Approval with Conditions)(Public hearing was not held) {Action: Tabled Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)}

**2008-2319 TSP-2008-00027** - Allow construction of a 155 foot tall Monopole Telecommunication Tower with ground equipment. Location is: 2443 Collins Hill Road, Commission District 4 (Kenerly). (Tabled on 01/27/2009) (Tabled to 03/24/2009) (Staff Recommendation: Approval with conditions)(Public hearing was not held) {Action: Tabled Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)}

**2008-2266 SUP-08-065**, Applicant: Kelly Scott, Owner: Prime Option Development Company, LLC, for a Special Use Permit in a C-2 Zoning District to Allow a Recreation Facility - Outdoor (Reduction in Buffers), District 6 Land Lot 259 Parcel 033, 4300 Block of Buford Highway, 4.90 Acres, District 2/Nasuti[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] {Action: Denied Motion: Nasuti Second: Beaudreau Vote: 3-0 (Lasseter & Kenerly Absent)}

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

**2008-2672 SUP-08-089**, Applicant: Don Woo, Owner: Pleasant Hill Forum, LLC, for a Special Use Permit in a C-2 Zoning District to Allow an Automotive Car Wash (Full Service), District 6 Land Lot 013 Parcels 302, 303, 304, 305, and 306, 3600 Block of Centerville Highway and the 3600 Block of Campbell Road, 7.24 Acres, District 3/Beaudreau (**Tabled on 01/27/2009**) (**Tabled to 02/24/2009**)(**Public hearing was held**)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {**Action: Tabled Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)**}}

**2008-2506 RZC-08-087**, Applicant: ARI, LLC, Owner: Idell R. Burke Estate, R-100 to O-I, Daycare Center, District 7 Land Lot 147 Parcel 003, 1000-1100 Block of Rock Springs Road and the 1000 Block of Laurel Drive, 2.55 Acres, District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Deny without Prejudice] {**Action: Denied without Prejudice Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)**}}

**2008-2507 SUP-08-082**, Applicant: ARI, LLC, Owner: Idell R. Burke Estate, for a Special Use Permit in an O-I (Proposed) Zoning District to Allow a Daycare Center, District 7 Land Lot 147 Parcel 003, 1000-1100 Block of Rock Springs Road and the 1000 Block of Laurel Drive, 2.55 Acres, District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Deny without Prejudice] {**Action: Denied without Prejudice Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)**}}

**2008-2769 RZR-08-005**, Applicant: Sts. Constantine and Helen Romanian Orthodox Church, Owner Sts. Constantine and Helen Romanian Orthodox Church, R-75 to RA-200, Cemetery (Reduction in Buffers), District 6 Land Lot 162 Parcel 010, 600 Block of Dickens Road, 11.0 Acres, District 2/Nasuti[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] {**Action: Denied Motion: Nasuti Second: Beaudreau Vote: 3-0 (Lasseter & Kenerly Absent)**}}

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

**2008-2770 SUP-08-096**, Applicant: Sts. Constantine and Helen Romanian Orthodox Church, Owner: Sts. Constantine and Helen Romanian Orthodox, for a Special Use Permit in a RA-200 (Proposed) Zoning District to Allow a Cemetery (Reduction in Buffers), District 6 Land Lot 162 Parcel 010, 600 Block of Dickens Road, 11.0 Acres, District 2/Nasuti[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] { **Action: Denied Motion: Nasuti Second: Beaudreau Vote: 3-0 (Lasseter & Kenerly Absent)** }

**VII. New Business – Public Hearing**

**1. Transportation/Brian Allen**

**2009-0126 Approval** of incorporation into the Gwinnett County Speed Hump Program James Ridge (James Ridge Drive) (M-0092-61) - estimated cost: \$9,840.00 - 2001 Sales Tax Program - Commission District 4/Kenerly (Staff Recommendation: Approval ) { **Action: Approved Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)** }

**2009-0127 Approval** of incorporation into the Gwinnett County Speed Hump Program Prospect Downs (Derby Downs Drive) (M-0092-62) - estimated cost: \$4,920.00 - 2001 Sales Tax Program - Commission District 4/Kenerly (Staff Recommendation: Approval ) { **Action: Approved Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)** }

**2009-0128 Approval** of incorporation into the Gwinnett County Speed Hump Program Prospect Downs (Palomino Trail) (M-0092-63) - estimated cost: \$3,280.00 - 2001 Sales Tax Program - Commission District 4/Kenerly (Staff Recommendation: Approval ) { **Action: Approved Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)** }

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**2. Buffer Reduction**

**2009-0117 BRD-09-001**, Applicant: Professional Design Group, LLC, Owner: Joseph Sofet, Buffer Reduction from 75 Feet to 27.5 Feet for Property Zoned C-2, District 6 Land Lot 061 Parcels 001 and 054, 5100 Block of Stone Mountain Highway, 0.93 Acres, District 3/Beaudreau **(Tabled on 01/27/2009) (Tabled to 02/24/2009)(Public hearing was not held)**[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 2/17/2009] **{Action: Tabled Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)}**

**3. Change in Conditions**

**2009-0105 CIC-09-001**, Applicant: Michel Njem, Owner: United Nations Realty & Investments to Change Conditions of Zoning for Property Zoned C-2, District 5 Land Lot 047 Parcel 099, 2200 Block of Lawrenceville Highway, 1.13 Acres, District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)}**

**2009-0106 CIC-09-002**, Applicant: Carl Cain, Owner: Amin Ali, to Change Conditions of Zoning for Property Zoned C-1, District 6 Land Lot 188 Parcel 010A, 1300-1400 Block of Harbins Road and the 5600 Block of Singleton Road, 1.72 Acres, District 1/Lasseter[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Nasuti Second: Beaudreau Vote: 3-0 (Lasseter & Kenerly Absent)}**

**2009-0107 CIC-09-004**, Applicant: James M. Anderson, Owner: Roman Catholic Archdiocese of Atlanta, to Change Conditions of Zoning for Property Zoned R-100, District 6 Land Lot 103 Parcels 003, 268, and 333, 700-800 Block of Tom Smith Road, 19.74 Acres, District 2/Nasuti[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Nasuti Second: Beaudreau Vote: 3-0 (Lasseter & Kenerly Absent)}**

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**3. Change in Conditions**

**2009-0108 CIC-09-005**, Applicant: GA Oilmen's Association, Owner: GA Oilmen's Association, to Change Conditions of Zoning for Property Zoned M-1, District 7 Land Lot 073 Parcel 041, 1600 Block of Duluth Highway and the 1700 Block of Spectrum Drive, 1.10 Acres, District 1/Lasseter[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {Action: Approved with Stipulations Motion: Nasuti Second: Beaudreau Vote: 3-0 (Lasseter & Kenerly Absent)}

**2009-0109 CIC-09-006**, Applicant: JSK, LLC, Owner: JSK, LLC, to Change Conditions of Zoning for Property Zoned C-2, District 6 Land Lot 204 Parcel 021, 3500 Block of Breckinridge Boulevard, 2.18 Acres, District 1/Lasseter[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {Action: Approved with Stipulations Motion: Nasuti Second: Beaudreau Vote: 3-0 (Lasseter & Kenerly Absent)}

**4. Special Use Permit**

**2009-0111 SUP-09-005**, Applicant: Dung Nguyen, Owner: Dung Nguyen, for a Special Use Permit in a C-2 and O-I Zoning District to Allow Outdoor Recreation (Soccer Field) (Renewal), District 6 Land Lot 195 Parcel 181, 6100 Block of Live Oak Parkway and the 1500-1600 Block of Thompson Parkway, 9.05 Acres, District 1/Lasseter[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {Action: Approved with Stipulations Motion: Nasuti Second: Beaudreau Vote: 3-0 (Lasseter & Kenerly Absent)}

**2009-0112 SUP-09-007**, Applicant: Transfer East, LLC, Owner: RBD Holdings, LLC, for a Special Use Permit in a M-2 Zoning District to Allow a Solid Waste Transfer Station, District 5 Land Lot 242 Parcel 026, 100 Block of Alcovy Industrial Boulevard, 5.28 Acres, District 4/Kenerly (Tabled on 01/27/2009) (Tabled to 02/24/2009)(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 2/17/2009] {Action: Tabled Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)}

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**4. Special Use Permit**

**2009-0113 SUP-09-008**, Applicant: Sugarland Crossing, LLC, Owner: Sugarland Crossing, LLC, for a Special Use Permit in a C-2 Zoning District to Allow a Self-Storage Facility (Mini-Warehouse and Climate-Controlled Facilities), District 5 Land Lot 084 Parcels 010 and 011, 3400 Block of Sugarloaf Parkway, 5.92 Acres, District 4/Kenerly (**Tabled on 01/27/2009**) (**Tabled to 02/03/2009**)(**Public hearing was held**)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions] {**Action: Tabled Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)**}

**2009-0114 SUP-09-009**, Applicant: Donovan Flowers, Owner: C.E. Smith, for a Special Use Permit in a C-2 Zoning District to Allow Automobile Service (Renewal) District 7 Land Lot 028A Parcel 121, 500 Block of Braselton Highway, 0.58 Acres, District 4/Kenerly (**Tabled on 01/27/2009**) (**Tabled to 02/24/2009**)(**Public hearing was not held**)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions] {**Action: Tabled Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)**}

**2009-0115 SUP-09-010**, Applicant: Carl (Skip) Cain, Owner: Nadiya Alibhai, for a Special Use Permit in a C-2 Zoning District to Allow a Coin Laundry, District 6 Land Lot 275 Parcel 039, 6400 Block of Peachtree Industrial Boulevard and the 6900 Block of Jimmy Carter Boulevard, 1.47 Acres, District 2/Nasuti (**Tabled on 01/27/2009**) (**Tabled to 02/24/2009**)(**Public hearing was not held**)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 2/17/2009] {**Action: Tabled Motion: Nasuti Second: Beaudreau Vote: 3-0 (Lasseter & Kenerly Absent)**}

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**4. Special Use Permit**

**2009-0116 SUP-09-011**, Applicant: Cristian Cox, Owner: Gavin Band, for a Special Use Permit in a C-2 Zoning District to Allow a Coin Laundry, District 6 Land Lot 276 Parcel 073, 3200 Block of Peachtree Corners Circle, 0.40 Acres, District 2/Nasuti[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {Action: Approved with Change Motion: Nasuti Second: Beaudreau Vote: 3-0 (Lasseter & Kenerly Absent)}

**5. Rezoning**

**2009-0094 RZC-09-001**, Applicant: Strategic Realty Group, LLC, Owner: Homer and Mary Stark, RM-6 to C-2, Commercial Retail Uses, District 5 Land Lot 086 Parcel 013, 1100 Block of Scenic Highway 9.54 Acres, District 4/Kenerly (Tabled on 01/27/2009) (Tabled to 02/24/2009)(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 2/17/2009] {Action: Tabled Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Nasuti Absent)}

**2009-0095 RZC-09-005**, Applicant: RBS Development, LLC, Owner: RBS Development, LLC, O-I to C-2, Commercial Retail Uses (Reduction in Buffers), District 7 Land Lot 132 Parcels 002 and 026, 2400-2500 Block of Buford Drive, 10.26 Acres, District 4/Kenerly (Tabled on 01/27/2009) (Tabled to 02/03/2009)(Public hearing was held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions] {Action: Tabled Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)}

**2009-0096 SUP-09-003**, Applicant: RBS Development, LLC, Owner: RBS Development, LLC, for a Special Use Permit in a C-2 (Proposed) Zoning District to Allow a Building Height Increase to 4 Stories (Hotel), District 7 and Lot 132 Parcels 002 and 026, 2400-2500 Block of Buford Drive, 10.26 Acres, District 4/Kenerly[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny without Prejudice] {Action: Denied without Prejudice Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)}



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**5. Rezonings**

**2009-0097 RZC-09-006**, Applicant: Frank Harris, Owner: Frank Harris, R-100 to M-1, Mini-Warehouse Storage Facility and Outdoor Storage (Reduction in Buffers), District 4 Land Lot 272 Parcel 002, 6000 Block of Loganville Highway, 25.83 Acres, District 3/Beaudreau[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)}**

**2009-0098 SUP-09-004**, Applicant: Frank Harris, Owner: Frank Harris, for a Special Use Permit in a M-1 (Proposed) Zoning District to Allow a Mini-Warehouse Storage Facility and Outdoor Storage, District 4 Land Lot 272 Parcel 002, 6000 Block of Loganville Highway, 25.83 Acres, District 3/Beaudreau[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] **{Action: Approved with Stipulations Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)}**

**2009-0099 RZC-09-007**, Applicant: Stephen Kutner, Owner: Stephen Kutner, O-I to C-1, Commercial Retail Uses (Reduction in Buffers), District 5 Land Lot 074 Parcel 296, 1400 Block of Scenic Highway, 0.42 Acres, District 3/Beaudreau[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] **{Action: Denied Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)}**

**2009-0100 RZC-09-008**, Applicant: James E. Jenkins, Owner: James E. Jenkins, R-75 to C-2, Contractors Office with Outdoor Storage (Reduction in Buffers), District 5 Land Lot 018 Parcels 050 and 084, 100 Block of Gloster Road and the 0-100 Block of Jordan Drive, 1.18 Acres, District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Deny] **{Action: Denied Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)}**

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**5. Rezonings**

**2009-0101 SUP-09-006**, Applicant: James E. Jenkins, Owner: James E. Jenkins, for a Special Use Permit in a C-2 (Proposed) Zoning District to Allow a Contractors Office with Outdoor Storage, District 5 land Lot 018 Parcels 050 and 084, 100 Block of Gloster Road and the 0-100 Block of Jordan Drive, 1.18 Acres, District 4/Kenerly[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] { Action: Denied Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent) }

**2009-0102 RZC-09-009**, Applicant: Daniel D. Lee, Owner: Daniel D. Lee, R-100 to C-2, Commercial Retail Uses, District 7 Land Lot 156 Parcels 007 and 212, 1200 Block of Old Peachtree Road, 0.60 Acres, District 1/Lasseter[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] { Action: Approved with Stipulations Motion: Nasuti Second: Beaudreau Vote: 3-0 (Lasseter & Kenerly Absent) }

**2009-0103 RZC-09-010**, Applicant: Judith and Sydney Small, Owner: Judith and Sydney Small, R-100 to C-1, Daycare Center (Reduction in Buffers), District 6 Land Lot 030 Parcel 023, 3100 Block of Bethany Church Road, 1.14 Acres, District 3/Beaudreau[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] { Action: Denied Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent) }

**2009-0104 RZC-09-011**, Applicant: Street Smarts, Owner: Paul Davis Restoration, R-100 to C-2, Building Contractors Office (Reduction in Buffers), District 6 Land Lot 062 Parcel 239, 2000 Block of Pucketts Drive and the 5000 Block of Parker Pucketts Way, 0.85 Acres, District 3/Beaudreau[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] { Action: Approved with Change Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent) }

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**5. Rezonings**

**2009-0110 RZM-08-003** (Reconsidered by Consent Order), Formerly 2008-0236, Applicant: Davis Development, Owner: George Vincent West, R-100 to RM-13, Apartments (Reduction in Buffers), District 7 Land Lot 216 Parcel 003, 900-1200 Block of Satellite Boulevard, 29.72 Acres, District 4/Kenerly (**Tabled on 01/27/2009**) (**Tabled to 02/03/2009**)(**Public hearing was held**)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions] {**Action: Tabled Motion: Beaudreau Second: Nasuti Vote: 3-0 (Lasseter & Kenerly Absent)**}

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

**2009-0089 CRC-2008-00006**, Application of Gordon and Anna Tanner for Metropolitan River Protection Act Certificate to construct a Detached Garage on 0.81 Acres at 4190 Gatewood Lane, Lot 21, Block E, Unit 3, of Riverview Estates Subdivision located in the Chattahoochee River Corridor, District 6 Land Lot 319 Parcel 032, Commission District 2/Nasuti (Staff Recommendation: Approval) {**Action: Approved Motion: Nasuti Second: Beaudreau Vote: 3-0 (Lasseter & Kenerly Absent)**}

**20090090 CRC-2008-00007**, Application of Steven Coppenger for Metropolitan River Protection Act Certificate to construct an addition to his single family residence on 1.13 acres at 4248 Riverview Drive, Lot 12, Block C, Unit 4 of Riverview Estates Subdivision located in the Chattahoochee River Corridor, District 6 Land Lot 330 Parcel 033, Commission District 2/Nasuti (Staff Recommendation: Approval) {**Action: Approved Motion: Nasuti Second: Beaudreau Vote: 3-0 (Lasseter & Kenerly Absent)**}

**VIII. Comments from Audience**

**IX. Adjournment**