



# Gwinnett County Board of Commissioners

Tuesday, February 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: February 20, 2007  
{Action: Approved Motion: Beaudreau Second: Kenerly Vote: 5-0}

### V. Old Business

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

**2006-1586 Approval/authorization** to transmit the Community Assessment and Community Participation Plan of the 2030 Comprehensive Plan to the Atlanta Regional Commission.(Tabled on 1/23/2007)(Staff Recommendation: Approval) {Action: Approved Motion: Beaudreau Second: Kenerly Vote: 5-0}

**2006-1511 CIC-06-034**, Jim Suddes, Allow a Restaurant With Drive-Thru, C-2 (Change in Conditions), LL270, 6th District, Parcel 082, LL270, 6th District, Parcel 082, 4800 Block of Peachtree Industrial Boulevard, 4900 Block of South Old Peachtree Road, District 2/Nasuti(Tabled on 2/27/2007) (Tabled to 3/20/2007)(Public hearing was held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] {Action: Tabled Motion: Nasuti Second: Green Vote: 5-0}

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**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 2/27/2007**) (**Tabled to 3/27/2007**)(**Public hearing was not held**)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Tabled - Date: 03/20/2007] {**Action: Tabled Motion: Nasuti Second: Green Vote: 5-0**}

**2006-1796 RZR-06-052**, Paul Fekete, Single-Family Conservation Subdivision, RA-200 to R-100 CSO, LL317, 5th District, Parcels 016, 021 & 052, 3000 Block of Luther Wages Road, District 3/Beaudreau(**Tabled on 2/27/2007**) (**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**}

**2006-1797 SUP-06-056**, Paul Fekete, Single-Family Conservation Subdivision, R-100 CSO (Proposed), LL317, 5th District, Parcels 016, 021 & 052, 3000 Block of Luther Wages Road, District 3/Beaudreau(**Tabled on 2/27/2007**) (**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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**1. Planning & Development/Glenn Stephens**

**2006-1805 SUP-06-128**, Majors Management, LLC, Modified Single-Family Subdivision, R-100, LL120, 5th District, Parcels 013, 024 & 025, 700 Block of Hillside Drive, District 3/Beaudreau(Tabled on 12/12/2006)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] { **Action: Approved with Stipulations Motion: Beaudreau Second: Kenerly Vote: 5-0** }

**2007-0168 RZC-07-001**, Joseph Asher, Automobile Sales, C-1 & R-75 to C-2, LL247, 6th District, Parcel 179A, 6900 Block of Buford Highway, 100 Block of Lake Drive, 100 Block of East Lake Drive, District 2/Nasuti(**Tabled on 2/27/2007**) (**Tabled to 3/20/2007**)(**Public hearing was held**)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] { **Action: Tabled Motion: Nasuti Second: Green Vote: 5-0** }

**2007-0169 SUP-07-001**, Joseph Asher, Automobile Sales, C-2 (Proposed), LL 247, 6th District, Parcel 179A, 6900 Block of Buford Highway, 100 Block of Lake Drive, 100 Block of East Lake Drive, District 2/Nasuti(**Tabled on 2/27/2007**) (**Tabled to 3/20/2007**)(**Public hearing was held**)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] { **Action: Tabled Motion: Nasuti Second: Green Vote: 5-0** }

**2006-1506 RZC-06-051**, Peachstate Partners, LLC, Office Park, R-100 to O-I, LL012, 5th District, Parcel 010, 2800 Block of Five Forks Trickum Road, 2800 Block of Jo Beth Drive, District 3/Beaudreau(Tabled on 1/23/2007)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] { **Action: Approved with Stipulations Motion: Beaudreau Second: Kenerly Vote: 5-0** }

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

**2006-1507 RZC-06-053**, M&W Land Development, LLC, Commercial Retail Uses, R-100 & C-1 to C-2, LL011 & 012, 7th District, Parcels 011, 002A, 002B & 002D, 700 Block of Buford Drive, 2500 Block of University Parkway, 100-200 Block of Forest Way, District 4/Kenerly(Tabled on 12/12/2006)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions as C-2 & R-TH] {Action: Approved with Stipulations as C-2 & R-TH 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 2/27/2007) (Tabled to 3/27/2007)(Public hearing was not held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] {Action: Tabled Motion: Kenerly Second: Beaudreau 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 2/27/2007) (Tabled to 3/27/2007)(Public hearing was not held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] {Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}

**2007-0146 RZC-07-003**, Crown Properties Group, LLC, Commercial /Retail Uses (Reduction in Buffers), R-100 to C-2, LL091, 7th District, Parcels 009, 013, 016, & 324, 1800 Block of Buford Drive, 1800 Block of Azalea Drive, District 4/Kenerly(Tabled on 2/27/2007) (Tabled to 3/20/2007)(Public hearing was held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] {Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}

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

**2007-0147 SUP-07-002**, Crown Properties Group, LLC, Mini-Warehouse Storage Facility, C-2 (Proposed), LL091, 7th District, Parcels 009, 013, 016, & 324, 1800 Block of Buford Drive, 1800 Block of Azalea Drive, District 4/Kenerly(**Tabled on 2/27/2007**) (**Tabled to 3/20/2007**)(**Public hearing was held**)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] {**Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0**}

**2007-0148 RZC-07-004**, Richard Boatright, Commercial Retail Uses (Reduction in Buffers), R-100 to C-2, LL185, 5th District, Parcel 107, 300 Block of Grayson-New Hope Road, 1900 Block of Chandler Road, District 3/Beaudreau(**Tabled on 1/23/2007**)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny without Prejudice] {**Action: Denied Without Prejudice Motion: Beaudreau Second: Kenerly Vote: 5-0**}

**2007-0150 RZC-07-008**, Peggy Slappey Properties, Commercial Retail Uses, RA-200 to C-2, LL001, 3rd District, Parcels 008B, 008C, 008K, 109, & 110, 1800 Block of Auburn Road, District 3/Beaudreau(**Tabled on 1/23/2007**)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {**Action: Approved with Stipulations Motion: Beaudreau Second: Kenerly Vote: 5-0**}

**2006-1670 RZM-06-033**, John Wieland Homes & Neighborhoods, Inc, Townhomes, R-100 to R-TH, LL114, 7th District, Parcels 001, 170 & 173, 1700 Block of North Brown Road, District 1/Green(**Tabled on 2/27/2007**) (**Tabled to 3/6/2007**)(**Public hearing was held**)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] {**Action: Tabled Motion: Green Second: Nasuti Vote: 5-0**}

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

**2006-0847 RZR-06-015**, YDI, Inc, Single-Family Subdivision, R-100, RA-200 & C-2 to R-ZT, LL125, 5th District, Parcels 023 & 028, 700-800 Block of Athens Highway, District 3/Beaudreau(**Tabled on 2/27/2007**) (**Tabled to 3/20/2007**)(**Public hearing was held**)[Planning Department Recommendation: Approve with Conditions as R-75 MOD][Planning Commission Recommendation: Approve with Conditions as R-SR] {**Action: Tabled Motion: Beaudreau Second: Kenerly Vote: 5-0**}

**VI. Public Hearing**

**1. Support Services/Connie Hinson**

**2007-0289 Approval/authorization** of a public hearing and abandonment of a portion of a public road known as Meadow Lane, authorization for Chairman to execute quitclaim deeds in land lot 116 and 117 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 1/Green (Staff Recommendation: Yes) {**Action: Approved Motion: Green Second: Nasuti Vote: 5-0**}

**2007-0290 Approval/authorization** of a public hearing and abandonment of a portion of a public road known as Sardis Church Road, authorization for Chairman to execute quitclaim deeds in land lot 001 of the 1st 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: 5-0**}

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**2. Transportation/Brian Allen**

**2007-0131 Approval** of incorporation into the Gwinnett County Speed Hump Program - Ashwood Drive (M-0092-30) estimated cost: \$4,920.00 - 2001 Sales Tax Program - Commission District 4/Kenerly(Staff Recommendation: Approval) {Action: Approved Motion: Kenerly Second: Beaudreau Vote: 5-0}

**2007-0217 Approval** of incorporation into the Gwinnett County Speed Hump Program - Valley Ridge Drive (M-0092-031) estimated cost: \$6,560.00 - 2001 Sales Tax Program - Commission District 1/Green(Staff Recommendation: Approval) {Action: Approved Motion: Green Second: Beaudreau Vote: 5-0}

**2007-0237 Approval** of incorporation into the Gwinnett County Speed Hump Program - Grahams Port Lane (M-0092-32) estimated cost: \$8,200.00 - 2001 Sales Tax Program - Commission District 3/Beaudreau(Staff Recommendation: Approval) {Action: Approved Motion: Beaudreau Second: Kenerly Vote: 5-0}

**2007-0238 Approval** of incorporation into the Gwinnett County Speed Hump Program - Walden Mill Drive (M-0092-33) estimated cost: \$3,280.00 - 2001 Sales Tax Program - Commission District 2/Nasuti(Staff Recommendation: Approval) {Action: Approved Motion: Nasuti Second: Green Vote: 5-0}

**2007-0261 Approval** of incorporation into the Gwinnett County Speed Hump Program - Ozora Church Road (M-0092-34) estimated cost: \$8,200.00 - 2001 Sales Tax Program - Commission District 3/Beaudreau(Staff Recommendation: Approval) {Action: Approved Motion: Beaudreau Second: Kenerly Vote: 5-0}

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**3. Change in Conditions:**

**2007-0308 CIC-07-007**, OB Grayson, LLC, C-1 Change In Conditions, District 5, Land Lot 138, Parcel 005, 1400 Block of Grayson Highway, 400 Block of Webb Gin House Road. District 3/Beaudreau[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] {Action: Denied Motion: Beaudreau Second: Kenerly Vote: 5-0}

**2007-0309 CIC-07-008**, David Banaee, C-2 Change In Conditions, District 6, Land Lot 247, Parcel 382, 7100 Block of Buford Highway, 0-100 Block of Steve Drive. District 2/Nasuti[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions] {Action: Approved with Stipulations Motion: Nasuti Second: Green Vote: 5-0}

**2007-0310 SUP-07-039**, David Banaee, Automobile Service, C-2, District 6, Land Lot 247, Parcel 382, 7100 Block of Buford Highway, 0-100 Block of Steve Drive. District 2/Nasuti[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions] {Action: Approved Motion: Nasuti Second: Green Vote: 5-0}

**2007-0311 CIC-07-009**, Auburn Road, LLC, C-2 Change In Conditions, District 2, Land Lot 001, Parcel 012, 1100 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: 5-0}

**2007-0312 SUP-07-037**, Auburn Road, LLC, Outdoor Recreation (Ball field), C-2, District 2, Land Lot 001, Parcel 012, 1100 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: 5-0}



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**4. Special Use Permit:**

**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**) (**Tabled to 3/27/2007**)(**Public hearing was not held**)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 03/20/2007] { **Action: Tabled 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**) (**Tabled to 3/27/2007**)(**Public hearing was not held**)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 03/20/2007] { **Action: Tabled Motion: Nasuti Second: Green Vote: 5-0** }

**5. Rezoning:**

**2007-0302 RZM-07-004** Cintract Development Group, LLC, Townhomes (Reduction In Buffers), R-100 to R-TH, District 7, Land Lot 105, Parcel 044 and Land Lot 132, Parcel 001, 1000 Block of Old Peachtree Road. District 4/Kenerly(**Tabled on 2/27/2007**) (**Tabled to 4/24/2007**)(**Public hearing was not held**)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions as O-I] { **Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0** }

**2007-0303 RZC-07-056**, Cintract Development Group, LLC, Office Uses, R-100 To O-I, District 7, Land Lot 132, Parcel 001C, 2400 Block of Buford Drive. District 4/Kenerly(**Tabled on 2/27/2007**) (**Tabled to 4/24/2007**)(**Public hearing was not held**)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] { **Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0** }

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**5. Rezonings:**

**2007-0299 RZM-07-001**, Old Fields, LLC, Single Family Subdivision, 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**) (**Tabled to 3/27/2007**)(**Public hearing was not held**)[Planning Department Recommendation: Approve with Conditions as R-75 MOD][Planning Commission Recommendation: Tabled - Date: 3/20/2007] {**Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0**}

**2007-0300 RZM-07-002**, Legends Land Development Group, LLC, Townhomes, R-100 To R-TH, District 7, Land Lot 149, Parcels 031 & 079, 500 Block of Old Peachtree Road, 2700 Block of Peachtree Parc Lane. District 4/Kenerly[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions as R-75 ] {**Action: Approved with Stipulations as R-ZT Motion: Kenerly Second: Beaudreau Vote: 4-1 (Bannister Opposed)**}

**2007-0301 RZM-07-003**, Legends Land Development Group, Townhomes, R-ZT & RA-200 to R-TH, District 7 Land Lot 099, Parcel 005; District 100, Parcels 009, 010, & 091, and District 137, Parcel 011, 2400 Block of Morgan Farm Drive and 2400 Block of Ashton Ridge Drive. District 4/Kenerly(**Tabled on 2/27/2007**) (**Tabled to 3/6/2007**)(**Public hearing was held**)[Planning Department Recommendation: Approve with Conditions as R-ZT][Planning Commission Recommendation: Approve with Conditions as R-ZT] {**Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0**}

**2007-0304 RZM-07-005**, A & P Partners, LLC, Senior Oriented Residences, 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 2/27/2007**) (**Tabled to 3/27/2007**)(**Public hearing was not held**)[Planning Department Recommendation: Approve with Conditions as R-SR DET][Planning Commission Recommendation: Tabled - Date: 3/20/2007] {**Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0**}

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**5. Rezoning:**

**2007-0305 RZM-07-006**, A & P Partners, LLC, Senior Oriented Residences, 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 2/27/2007) (Tabled to 3/27/2007)(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions as R-SR DET][Planning Commission Recommendation: Tabled - Date: 3/20/2007] {Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}

**2007-0306 RZM-07-007**, Mahaffey Pickens Tucker, LLP, Townhomes, R-75 to R-TH, District 6, Land Lot 153, Parcels 057, 058, 160 & 161, 3200-3300 Block of Hamilton Road. District 4/Kenerly(Tabled on 2/27/2007) (Tabled to 4/24/2007)(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 4/17/2007] {Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}

**2007-0307 RZM-07-008**, Cornel Potra, Senior Oriented Residences, RA-200 to R-SR, District 7, Land Lot 094, Parcel 005, 1700 Block of Old Peachtree Road, 2100 Block of Rock Springs Road, 2000 Block of Sunny Hill 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}

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

**2007-0201 Rezoning** Request to reschedule rezoning case - The Applicant (Richardson Housing Group) requests Board approval to hear a rezoning case at an earlier public hearing. Rezoning case RZR-07-032 is currently scheduled for September 2007 public hearings, and the applicant has requested the case be moved for earlier hearing dates in April 2007. Property is located off Burns Road. Commission District 1 (Green) {Action: Approved Motion: Green Second: Nasuti Vote: 5-0}

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**VI. Public Hearing**

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

**2007-0284 Rezoning** Request to reschedule rezoning case - The Applicant (Vintage Communities) requests Board approval to hear a rezoning and related Special Use Permit case at an earlier public hearing. Cases RZR-07-035 and SUP-07-047 are currently scheduled for September 2007 public hearings, and the applicant has requested the cases be moved for earlier hearing dates in April 2007. Property is located on Wheeler Road. Commission District 4 (Kenerly) {Action: Approved Motion: Kenerly Second: Beaudreau Vote: 5-0}

**2007-0295 Rezoning** The applicant, Mahaffey Pickens Tucker, LLP, requests that RZC-08-012 (currently scheduled for January 2008 public hearings) be re-scheduled for concurrent public hearings with its associated case, RZM-07-007, in April 2007. The property is located at Hamilton Road & Lawrenceville Highway. Commission District 4 (Kenerly) {Action: Approved Motion: Kenerly Second: Beaudreau Vote: 5-0}

**2007-0296 Rezoning** The applicant, White Oak Clusters, LLC, requests that RZC-08-010 (currently scheduled for January 2008 public hearings) be re-scheduled for concurrent public hearings with its associated case, CIC-07-016, in May 2007. The property is located on Braselton Highway and Mount Moriah Road. Commission District 4 (Kenerly) {Action: Approved Motion: Kenerly Second: Beaudreau Vote: 5-0}

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**VII. New Business**

**1. County Administration**

**2007-0349 Approval** of a Resolution Consenting to the De-Annexation of Certain Property from the City of Sugar Hill, Georgia. {Action: Approved Motion: Green Second: Kenerly Vote: 5-0}

**2. Support Services/Connie Hinson**

**2007-0291 Approval/authorization** to declare surplus seven small tracts of land that totals 0.491 acres which either abuts or adjoins property on Meadow Lane and to dispose of these tracts in accordance with O.C.G.A. 36-9-3 for a price not less than the appraised value of \$300,000.00; Authorization for the Chairman to execute any and all documents to effectuate said transaction. Land lots 116 and 117 of the 7th district. District 1/Green(Staff Recommendation: Approval) {Action: Approved Motion: Green Second: Beaudreau Vote: 5-0}

**VIII. Comments from Audience**

**IX. Adjournment**