



# Gwinnett County Board of Commissioners

Tuesday, December 11, 2007 - 7:00 PM

## Public Hearing - Minutes

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

### II. Opening Remarks by Chairman

### III. Approval to Amend Agenda

Move 2007-1700, 2007-1722, 2007-1886 & 2007-1811 to Page 7 Before  
Comments from Audience

{Action: Approved Motion: Kenerly Second: Beaudreau Vote: 4-0 (Green Out of Room)}

#### Approve Amended Agenda

{Action: Approved Motion: Kenerly Second: Beaudreau Vote: 4-0 (Green Out of Room)}

### IV. Announcements

- Resolution of Recognition: Commending Gwinnett County High School Runners who Placed in the Top 10 at the 2007 Stat Cross Country Meet  
{Action: Approved Motion: Nasuti Second: Bannister Vote: 4-0 (Green Out of Room)}

### V. Public Hearing – Old Business

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

**2007-1675 CIC-07-034**, Applicant: Darrel L. Seibert, Owner: Lee Duncan, to Change Conditions of Zoning for Property Zoned R-ZT, District 7 Land Lot 015 Parcel 097, 2200 Block of Cedars Road, 800-1000 Block of Progress Industrial Boulevard and the 900 Block of Progress Court, 19.57 Acres, District 4/Kenerly(**Tabled on 12/11/2007**) (**Tabled to 1/15/2008**)(**Public hearing was held**)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny]  
{Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 4-0 (Green Out of Room)}

**Gwinnett County Board of Commissioners**  
**Tuesday, December 11, 2007 - 7:00 P. M.**  
**Public Hearing - Minutes**  
**Page 2**

**V. Public Hearing – Old Business**

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

**2007-1676 SUP-07-095**, Applicant: Staffords Auto-Plex Repair Center, Owner: Joseph Stafford, for a Special Use Permit in a C-2 Zoning District to Allow Automobile Body Repair Shop (Reduction in Buffers), District 6 Land Lot 013 Parcel 197, 3700 Block of Centerville Highway, 2.44 Acres, District 3/Beaudreau(Tabled on 11/27/2007)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny] {Action: Denied Motion: Beaudreau Second: Kenerly Vote: 5-0}

**2007-1679 SUP-07-097**, Applicant: Highway 124, LLC, Owner: Ken Morton Properties, LLC, et al, for a Special Use Permit in a C-2 Zoning District to Allow Mini-Warehouse Storage Facility, District 6 Land Lot 020 Parcel 024, 3400 Block of Centerville Highway, 3.78 Acres, District 3/Beaudreau(Tabled on 11/27/2007)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {Action: Approved with Stipulations Motion: Beaudreau Second: Kenerly Vote: 5-0}

**2007-1682 SUP-07-100**, Applicant: Home Depot U. S. A., Inc., Owner: Home Depot U.S.A., Inc., for a Special Use Permit in a C-2 Zoning District to Allow Outdoor Sales/Storage, District 7 Land Lot 008 Parcel 035, 800 Block of Lawrenceville-Suwanee Road, 10.21 Acres, District 1/Green (West Portion) and District 4/Kenerly (East Portion)(Tabled on 12/11/2007) (Tabled to 2/19/2008)(Public hearing was held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions] {Action: Tabled Motion: Kenerly Second: Beaudreau Vote: 5-0}

**2007-1201 RZC-07-057**, Applicant: Mahaffey Pickens Tucker, LLP, Owner: Robert M. Cain, et al, R-100 & C-1 to O-I, Retirement Community (Reduction in Buffers), District 5 Land Lot 013 Parcels 129, 130, 136, 143, 144, 164, and 181, 2800 Block of Hutchins Road and the 2800-2900 Block of Brittney Place, 34.16 Acres, District 3/Beaudreau(Tabled on 12/11/2007) (Tabled to 2/26/2008)(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 02/19/2008] {Action: Tabled Motion: Beaudreau Second: Kenerly Vote: 4-0 (Green Out of Room)}

**Gwinnett County Board of Commissioners**  
**Tuesday, December 11, 2007 - 7:00 P. M.**  
**Public Hearing - Minutes**  
**Page 3**

**V. Public Hearing – Old Business**

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

**2007-1202 SUP-07-029**, Applicant: Mahaffey Pickens Tucker, LLP, Owner: Robert M. Cain, et al, for a Special Use Permit in an O-I (Proposed) Zoning District to Allow a Retirement Community, District 5 Land Lot 013 Parcels 129, 130, 136, 143, 144, 164, and 181, 2800 Block of Hutchins Road and the 2800-2900 Block of Brittney Place, 34.16 Acres, District 3/Beaudreau(**Tabled on 12/11/2007**) (**Tabled to 2/26/2008**)(**Public hearing was not held**)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 02/19/2008] {**Action: Tabled Motion: Beaudreau Second: Kenerly Vote: 4-0 (Green Out of Room)**}

**2007-1219 RZC-08-015**, Applicant: Lian Cong Zhang, Owner: Lian Cong Zhang, M-2 to C-2, Commercial Retail Uses, District 6 Land Lot 261 Parcels 054 and 061, 2900 Block of Pleasant Hill Road and the 3800 Block of Bank Street, 4.91 Acres, District 1/Green(**Tabled on 12/11/2007**) (**Tabled to 2/26/2008**)(**Public hearing was not held**)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 02/19/2008] {**Action: Tabled Motion: Nasuti Second: Kenerly Vote: 4-0 (Green Out of Room)**}

**2007-1555 RZC-08-025**, Applicant: Cedars Road Associates, LLC, Owner: D. H. Davis Properties, M-1 to C-2, Commercial Retail Uses, District 5 Land Lot 210 Parcel 162, 1200 Block of Winder Highway and the 1600 Block of Cedars Road, 7.08 Acres, District 4/Kenerly(**Tabled on 10/23/2007**)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {**Action: Approved with Stipulations Motion: Kenerly Second: Beaudreau Vote: 5-0**}

**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**) (**Tabled to 1/22/2008**)(**Public hearing was not held**)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Tabled - Date: 01/15/2008] {**Action: Tabled Motion: Nasuti Second: Kenerly Vote: 4-0 (Green Out of Room)**}

**Gwinnett County Board of Commissioners**  
**Tuesday, December 11, 2007 - 7:00 P. M.**  
**Public Hearing - Minutes**  
**Page 4**

**VI. Public Hearing – New Business**

**1. Transportation/Brian Allen**

**2007-1812 Approval** of incorporation into the Gwinnett County Speed Hump Program - Tucker Woods (M-0092-044) estimated cost: \$8,200.00 - 2001 Sales Tax Program - Commission District 2/Beaudreau(Staff Recommendation: Approval) {Action: Approved Motion: Nasuti Second: Green Vote: 4-0 (Kenerly Out of Room)}

**2007-1841 Approval** of incorporation into the Gwinnett County Speed Hump Program - Ridgeland Forest (M-0092-45) estimated cost: \$6,560.00 - 2001 Sales Tax Program - Commission District 3/Beaudreau(Staff Recommendation: Approval) {Action: Approved Motion: Beaudreau Second: Green Vote: 4-0 (Kenerly Out of Room)}

**2. Change in Conditions:**

**2007-1861 CIC-07-035**, Applicant: Helix Development, LLC, Owner: Athens Vest, Inc., to Change Conditions of Zoning for Property Zoned C-2 (Hotel Height Increase to 21 Stories), District 7 Land Lot 177 Parcel 047, 2700 Block of Mall of Georgia Boulevard and the 3000 Block of Woodward Crossing Boulevard, 16.14 Acres, District 4/Kenerly[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {Action: Approved with Stipulations Motion: Nasuti Second: Green Vote: 4-0 (Kenerly Out of Room)}

**2007-1862 CIC-07-036**, Applicant: Richard A. Guerreso, Owner: BKP Properties, LLC, to Change Conditions of Zoning for Property Zoned O-I (Sign Height Increase to 10 Feet), District 7 Land Lot 085 Parcel 542, 2000 Block of Lawrenceville-Suwanee Road, 0.60 Acres, District 1/Green[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Deny] {Action: Denied Motion: Green Second: Nasuti Vote: 5-0}

**Gwinnett County Board of Commissioners**  
**Tuesday, December 11, 2007 - 7:00 P. M.**  
**Public Hearing - Minutes**  
**Page 5**

**VI. Public Hearing – New Business**

**2. Change in Conditions:**

**2007-1863 CIC-07-037**, Applicant: Jimmy Carter Townhouses Sub, Owner: Jimmy Carter Townhouses Sub, to Change Conditions of Zoning for Property Zoned R-TH, District 6 Land Lot 169 Parcel 246, 4900 Block of Jimmy Carter Boulevard, 13.40 Acres, 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**}

**3. Special Use Permit:**

**2007-1864 SUP-07-105**, Applicant: Anthony Vargas, Owner: Anthony Vargas, For a Special Use Permit in a C-2 Zoning District to Allow Automobile Service, District 6 Land Lot 260 Parcel 012, 4100 Block of Buford Highway, 2.79 Acres, District 2/Nasuti[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny without Prejudice] {Action: **Denied Motion: Nasuti Second: Green Vote: 5-0**}

**2007-1865 SUP-07-106**, Applicant: Mahaffey Pickens Tucker, LLP, Owner: Chelsea Properties, for a Special Use Permit in a C-2 Zoning District to Allow a Pawn Shop, District 6 Land Lot 142 Parcel 055, 4100 Block of Jimmy Carter Boulevard and the 6400 Block of Lawrenceville Highway, 0.74 Acres, District 2/Nasuti(**Tabled on 12/11/2007**) (**Tabled to 1/15/2008**)(**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**}

**2007-1866 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**) (**Tabled to 1/22/2008**)(**Public hearing was not held**)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Tabled - Date: 01/15/2008] {Action: **Tabled Motion: Kenerly Second: Beaudreau Vote: 4-0 (Green Out of Room)**}

**Gwinnett County Board of Commissioners**  
**Tuesday, December 11, 2007 - 7:00 P. M.**  
**Public Hearing - Minutes**  
**Page 6**

**VI. Public Hearing – New Business**

**3. Special Use Permit:**

**2007-1867 SUP-07-108**, Applicant: Sylvia Osbourne, Owner: Sylvia Osbourne, For a Special Use Permit in an R-75 Zoning District to Allow a Daycare Center (Group), District 6 Land Lot 225 Parcel 220, 2100 Block of Summertown Drive, 0.28 Acres, 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}**

**2007-1868 SUP-07-109**, Applicant: Jose A. Palacios, Owner: Shang Tong Day, for a Special Use Permit in a M-1 Zoning District to Allow a Church (Renewal), District 6 Land Lot 175 Parcel 203, 4200 Block of Phil Niekro Parkway, 2.80 Acres, 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}**

**2007-1869 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) (Tabled to 1/22/2008)(Public hearing was not held)**[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 01/15/2008] **{Action: Tabled Motion: Nasuti Second: Kenerly Vote: 4-0 (Green Out of Room)}**

**2007-1870 SUP-07-111**, Applicant: S. S. Blackstock, Inc., Owner: Petroleum Realty 1, LLC, for a Special Use Permit in a C-2 Zoning District to Allow Automotive Carwash (Full Service), District 6 Land Lot 057 Parcel 008, 4800 Block of Stone Mountain Highway and the 2100 Block of Stone Drive, 0.73 Acres, 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}**

**Gwinnett County Board of Commissioners**  
**Tuesday, December 11, 2007 - 7:00 P. M.**  
**Public Hearing - Minutes**  
**Page 7**

**VI. Public Hearing – New Business**

**4. Rezonings:**

**2007-1856 RZR-07-043**, Applicant: John W. Hall, Owner: John W. Hall, R-100 to R-60, Single-Family Subdivision, District 5 Land Lot 126 Parcel 008F, 700 Block of Midway Road and the 3400 Block of Lake Carlton Road, 5.13 Acres, District 3/Beaudreau[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions as R-75] {Action: Denied Motion: Beaudreau Second: Kenerly Vote: 5-0}

**2007-1857 RZR-07-044**, Applicant: John W. Hall, Owner: John W. Hall, R-100 to R-60, Single-Family Subdivision, District 5 Land Lot 126 Parcels 025, 028, and 038, 600 Block of Midway Road and the 3400 Block of Lake Carlton Road, 12.13 Acres, District 3/Beaudreau[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions as R75/R75Mod] {Action: Denied Motion: Beaudreau Second: Kenerly Vote: 5-0}

**2007-1858 RZR-07-045**, Applicant: Jim King, Owner: Jim King, R-140 to R-100, Single-Family Subdivision, District 3 Land Lot 007 Parcel 041, 2100 Block of Flowery Branch Road, 2.0 Acres, 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}

**2007-1859 RZR-07-046**, Applicant: Buford Dam Partners, LLC, Owner: Estate of Lucias W. Bowman and Jason Jackson, RL to R-100 Modified, Modified Single-Family Subdivision, District 7 Land Lot 352 Parcels 003 and 081, 1900 Block of Buford Dam Road, 6100 Block of Lakeview Drive and the 6000 Block of Woodlake Drive, 19.55 Acres, 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}

**Gwinnett County Board of Commissioners**  
**Tuesday, December 11, 2007 - 7:00 P. M.**  
**Public Hearing - Minutes**  
**Page 8**

**VI. Public Hearing – New Business**

**4. Rezoning:**

**2007-1860 SUP-07-088**, Applicant, Buford Dam Partners, LLC, Owner: Estate of Lucias W. Bowman and Jason Jackson, for a Special Use Permit in a R-100 Modified Zoning District to Allow a Modified Single-Family Subdivision, District 7 Land Lot 352 Parcels 003 and 081, 1900 Block of Buford Dam Road, 6100 Block of Lakeview Drive, and the 6000 Block of Woodlake Drive, 19.55 Acres, 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}

**VII. Old Business**

**1. County Administration**

**2007-1700 Approval/authorization** For the Chairman to execute an Amendment to the Property Maintenance Ordinance, subject to review and approval by the Law Department.(Tabled on 11/27/2007) {Action: Approved Motion: Beaudreau Second: Green Vote: 5-0}

**2. Commissioners**

**2007-1722 Approval/authorization** for the Chairman to sign the Water Conservation Resolution. All Districts(Tabled on 11/27/2007)(Staff Recommendation: Approval) {Action: Approved Motion: Green Second: Beaudreau Vote: 5-0}



**Gwinnett County Board of Commissioners**  
**Tuesday, December 11, 2007 - 7:00 P. M.**  
**Public Hearing - Minutes**  
**Page 9**

**VIII. New Business**

**1. Commissioners**

**2007-1886 Approval/authorization** of amendments to the Gwinnett County Outdoor Water Use Ordinance to be known as the Gwinnett County Outdoor Water Use, Conservation and Drought Restrictions Ordinance. {Action: Approved Motion: Beaudreau Second: Green Vote: 5-0}

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

**2007-1811 Rezoning** Mixed Use Redevelopment Overlay (MUR) Designation - Request to initiate consideration of a Mixed Use Redevelopment Overlay designation for the Woodberry Acres subdivision on Pleasant Hill Road between Woodberry Drive and Sunset Street. The developer plans to redevelop the existing subdivision as a mixed use development including retail/restaurant, office, and residential components. Commission District 1/Green {Action: Approved Motion: Green Second: Nasuti Vote: 5-0}

**IX. Comments from Audience**

**X. Adjournment**