

BUFORD CITY COMMISSION MEETING

December 4, 2017

1. Pledge to the Flag.
2. Approve the agenda as presented.
3. Recognition of Mrs. Michael Y. Smith and her 24 years of service on the Buford City Commission and to the citizens of Buford.
4. Approve the minutes from the November 9, 2017 regular meeting and the minutes from the special called meeting on November 16, 2017 at 4:30 p.m.
5. Change January meeting to Tuesday, January 2, 2018 at 7:00 p.m.

6. **Rezoning:**

I. **#Z-17-07/SUP-17-18:**

**Fieldstone Properties & Development, LLC
North Gwinnett Street
7-302-103/105/106
Acres: 14.9**

Requesting rezoning from R-100 to RM with a special use permit to allow fee simple townhomes

P&Z Recommendation:

#Z-17-07/#SUP-17-18: Fieldstone Properties & Development, LLC requested rezoning for the property located on North Gwinnett Street, being parcels 7-302-103/105/106, containing 14.967 acres from R-100 to RM with a special use permit to allow townhomes. Mitch Peevy spoke on behalf of the applicant and explained the request to the Board. Mr. Peevy stated that the developer had no problem with reducing the number of units to 60 units. One adjoining property owner asked about buffers. John Rishand spoke stating that his son lives in the area and had concerns with the development. He stated that the area needed a nice development if done correctly and with more planning involved. After a brief discussion, motion was made by Wayne Johnson and seconded by Homer Whiting to recommend approval of the rezoning request to RM with a special use permit for townhomes with the following conditions:

1. The zoning category is approved as RM with a special use permit for single-family attached townhomes and accessory uses and structures. The approval of this application is not approval of any Development Regulations non-conformities shown on the site plan provided with the rezoning case.

2. The final site plan shall be reviewed and approved by the Planning Director prior to the issuance of any land disturbance permit.
3. The final site plan shall not exceed 4.0 units per acre.
4. All units shall have at least a double-car garage.
5. Architectural treatments of the homes are to be a mixture of brick and stone with accents of fiber cement siding on the fronts with the rear and sides being of fiber cement siding. Final architectural elevation designs to be approved by the Planning Director.
6. The 35' undisturbed buffer shall be reduced to a 20' replanted buffer adjacent to the following parcels: 7-302-232, 7-302-199, 7-302-240, 7-302-242, 7-302-208, 7-302-216 and 7-302-104A. The buffer shall be replanted with a variety of evergreen trees and shrubs with a 6' tall privacy fence at the property line. The final landscape plan shall be developed with documented input from the adjacent property owners and be approved by the Planning Director.
7. Shall provide 18' wide driveways.
8. The homes shall be a minimum two (2) bedroom units.
9. Shall provide HOA that maintains the exterior of homes, grounds and all roads.
10. North Gwinnett Street shall be widened to a 12' lane on the developer's side of the property.
11. Shall be a gated community as optional by the HOA.

Ayes – 4

Nays – 0

II. #Z-17-08:

Dennis Gutierrez

80 South Alexander St./81 West Moreno St.

7-294-018

Acres: 0.23

Requesting rezoning from C-2 to R-100

P&Z Recommendation:

#Z-17-08: Dennis Gutierrez requested rezoning for the property located at 80 South Alexander Street from C-2 to R-100. Jeff Pruitt spoke on behalf of the applicant and explained the request to the Board. Mr. Gutierrez was also present. There were no objections from the audience. Motion by Wayne Johnson and seconded by Homer Whiting to recommend approval of the rezoning request to R-100 with the following conditions:

1. The existing building shall be occupied as a residential dwelling. Any future requests to change the occupancy type with a commercial or office use shall be prohibited unless the zoning category is changed appropriately and the building and site are brought up to Buford City codes.
2. Single family residence only. Detached garage shall have no plumbing fixtures.
3. Setbacks for existing home and additions to the home shall be reduced per the attached site plan.

Ayes – 4
Nays – 0

III. #Z-17-09:

**McCraney Property Company
Atlanta Highway and Lanier Islands Parkway
08-158-001005
Acres: 44.3**

Requesting rezoning from O&I to M-1

P&Z Recommendation:

#Z-17-09: McCraney Property Company requested rezoning for the property located on Atlanta Highway and Lanier Islands Parkway, out of parcel 08-158-001005, containing 44.323 acres, from O-I to M-1. Dave Williams spoke on behalf of the applicant and explained the request to the Board. There were no objections from the audience. Motion by Harley Bennett and seconded by Homer Whiting to recommend approval of the rezoning request to M-1 with the following conditions:

1. The subject property is rezoned to M-1 for light industrial uses substantially similar to the site plan provided with the application including the sizes and heights of the proposed buildings and associated site improvements.
2. The applicant/developer is responsible for filing and following all requirements of the Developments of Regional Impact (DRI) studies as required by the appropriate Regional Commission.
3. The construction entrance for the project shall be located on Atlanta Highway as far as possible from the intersection with Lanier Islands Parkway.
4. An enhanced landscape planting plan shall be required for review that includes landscape strips at both road frontages. The plan shall include a mixture of canopy trees, understory trees, shrubs and ground covers. Final plan is to be reviewed and approved by the Planning Director.
5. Buildings shall be substantially similar to the building rendering that was submitted with the application.
6. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties or rights-of-way.

Ayes – 4
Nays – 0

IV. #Z-17-10:

**Northeast Georgia Health System, Inc.
939 Gainesville Highway
08-158-001005
Acres: 7.67**

Requesting rezoning from O&I to C-2

P&Z Recommendation:

#Z-17-10: Northeast Georgia Health System, Inc. requested rezoning for the property located at 939 Gainesville Highway, out of parcel 08-158-001005, containing 7.673 acres, from O-I to C-2. Karla Walker spoke on behalf of the applicant and explained the request to the Board. There were no objections from the audience. Motion by Homer Whiting and seconded by Wayne Johnson to recommend approval of the rezoning request to C-2 with the following conditions:

1. The subject property is rezoned to C-2 for general business uses similar to the site plan provided with the application including the locations, sizes and heights of the proposed buildings and associated site improvements.
2. Provide 10' landscape strips along the road frontages of Lanier Islands Parkway and Gainesville/Atlanta Highway. The landscape strips are to be planted with a combination of canopy trees, shrubs and ground covers. Final plan is to be reviewed and approved by the Planning Director.
3. Buildings shall be finished with architectural treatments of glass, brick, and/or stone. Architectural renderings shall be submitted for review and approval of the Director of Planning prior to issuance of building permits.
4. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties or rights-of-way.

Ayes – 4

Nays – 0

V. #Z-17-11:

IDI Gazeley

Buford Highway

08-170-002003

Acres: 20.7

Requesting OBP to M-1

P&Z Recommendation:

#Z-17-11: IDI Gazeley requested rezoning for the property located on Buford Highway, being parcel 08-170-002003, containing 10.734 acres, from OBP to M-1. Ryan Wood and Gary Minor spoke on behalf of the applicant and explained the request to the Board. Frank Compton and Sam Mundy had questions about the development and the location of the buildings with the distance from Buford Highway. They stated that the buildings would be approximately 200 feet off Buford Highway. Motion by Wayne Johnson and seconded by Homer Whiting to recommend approval of the rezoning to M-1 with the following conditions:

1. The subject property is rezoned to M-1 for light industrial uses substantially similar to the site plan provided with the application including the location, sizes and heights of the proposed buildings and associated site improvements.
2. The applicant/developer is responsible for filing and following all requirements of the Developments of Regional Impact (DRI) studies as required by the appropriate Regional Commission.

3. An enhanced landscape planting plan shall be required for review that includes landscape strips at both road frontages. The plan shall include a mixture of canopy trees, understory trees, shrubs and ground cover. Final plan is to be reviewed and approved by the Planning Director.
4. Buildings shall be substantially similar to the building rendering that was submitted with the application.
5. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties or rights-of-way.
6. All of the property extending from the outside limits of the curb and gutter on each side of the proposed entry road off Lanier Islands Parkway adjoining C-2 zoned property to the east and west, may be used for any purpose allowed within the City's C-2 Zoning Ordinances and in combination with the adjoining C-2 zoned property.

Ayes – 4

Nays – 0

VI. #Z-17-12:

IDI Gazeley

Buford Highway

08-169-004002

Acres: 16.80

Requesting rezoning from C-2 to M-1

P&Z Recommendation:

#Z-17-12: IDI Gazeley requested rezoning for the property located on Buford Highway, out of parcel 08-169-004002, containing 16.80 acres, from C-2 to M-1. Ryan Wood and Gary Minor spoke on behalf of the applicant and explained the request to the Board. There were no objections from the audience. Motion by Homer Whiting and seconded by Wayne Johnson to recommend approval of the rezoning to M-1 with the following conditions:

1. The subject property is rezoned to M-1 for light industrial uses substantially similar to the site plan provided with the application including the location, sizes and heights of the proposed buildings and associated site improvements.
2. The applicant/developer is responsible for filing and following all requirements of the Developments of Regional Impact (DRI) studies as required by the appropriate Regional Commission.
3. An enhanced landscape planting plan shall be required for review that includes landscape strips at both road frontages. The plan shall include a mixture of canopy trees, understory trees, shrubs and ground covers. Final plan is to be reviewed and approved by the Planning Director.
4. Buildings shall be substantially similar to the building rendering that was submitted with the application.
5. Outdoor lighting shall be contained in cut-off luminaries and shall be directed in toward the property so as not to reflect into adjacent properties or rights-of-way.
6. All of the property extending from the outside limits of the curb and gutter on each side of the proposed entry road off Lanier Islands Parkway adjoining C-2 zoned

property to the east and west, may be used for any purpose allowed within the City's C-2 Zoning Ordinances and in combination with the adjoining C-2 zoned property.

Ayes – 4

Nays – 0

VII. #Z-17-13:

IDI Gazeley

4996 Lanier Islands Parkway

08-157-000001

Acres: 20.06

Requesting rezoning from C-2 to M-1

P&Z Recommendation:

#Z-17-13: IDI Gazeley requested rezoning for the property located at 4996 Lanier Islands Parkway, out of parcel 08-157-000001, containing 20.06 acres, from C-2 to M-1. Ryan Wood and Gary Minor spoke on behalf of the applicant and explained the request to the Board. There were no objections from the audience. Motion by Harley Bennett and seconded by Homer Whiting to recommend approval of the rezoning to M-1 with the following conditions:

1. The subject property is rezoned to M-1 for light industrial uses substantially similar to the site plan provided with the application including the location, sizes and heights of the proposed buildings and associated site improvements.
2. The applicant/developer is responsible for filing and following all requirements of the Developments of Regional Impact (DRI) studies as required by the appropriate Regional Commission.
3. An enhanced landscape planting plan shall be required for review that includes landscape strips at both road frontages. The plan shall include a mixture of canopy trees, understory trees, shrubs and ground covers. Final plan is to be reviewed and approved by the Planning Director.
4. Building shall be substantially similar to the building rendering that was submitted with the application.
5. Outdoor lighting shall be contained in cut-off luminaires and shall be directed in toward the property so as not to reflect into adjacent properties or rights-of-way.
6. All of the property extending from the outside limits of the curb and gutter on each side of the proposed entry road off Lanier Islands Parkway adjoining C-2 zoned property to the east and west, may be used for any purpose allowed within the City's C-2 Zoning Ordinances and in combination with the adjoining C-2 zoned property.

Ayes – 4

Nays – 0

7. Special Use Permit:

I. #SUP-17-14:

**Service Shop Pros, LLC
4378 Sudderth Road
7-258-224**

Requesting special use permit to allow an auto repair shop

P&Z Recommendation:

SUP-17-14: Service Shop Pros, LLC requested a special use permit for the property located at 4378 Sudderth Road. The special use permit requested is to allow an auto repair shop. Alises Hernandez and David Gomez spoke on behalf of the applicant and explained the request to the Board. Mr. Waycaster, adjoining property owner, spoke against the request with concerns of noise and junked vehicles parked outside. The owner stated that all vehicles would be parked inside the building. After a brief discussion, motion was made by Wayne Johnson and seconded by Homer Whiting to recommend approval of the special use permit as requested with the following conditions:

1. Prior to approval of any subsequent permits the owner is to provide documentation from a qualified engineer to determine the presence of state waters on or near the subject property. The construction documents for the development of the subject parcel will be reviewed for compliance by City review staff. The current version of the site plan will need to be adjusted should it be determined that state water buffers apply.
2. Consideration for approval of the special use permit is not approval of any non-conformities shown on the site plan submitted with the application. City of Buford's Zoning and Development Regulations are applicable during the review of the construction documents.
3. Outdoor storage of automotive parts, junk vehicles or automotive repair related equipment shall be prohibited.
4. All automotive repair shall take place within the building. Outdoor repair operations shall be prohibited.
5. Outside display of tires is prohibited.
6. Outdoor storage of vehicles waiting to be repaired needs to be identified on the site plan.
7. All vehicles shall be parked inside the building that are being repaired and waiting for repair.
8. Business hours shall be 8:00 a.m. – 6:00 p.m.
9. To allow two (2) parking spaces at the southwest corner for storage of vehicles.
10. Building elevations subject to approval of the Planning Director.

Ayes – 4

Nays – 0

II. #SUP-17-15:

**Adam Smith
Horizon Parkway
7-218-021**

Requesting special use permit to allow an auto body repair shop

P&Z Recommendation:

#SUP-17-15: Adam Smith requested a special use permit for the property located on Horizon Parkway, being parcel 7-218-021, containing 2.980 acres. The special use permit requested is to allow an auto body repair shop. Stephen McGuirk and Adam Smith spoke explaining the request to the Board. Doug and Joy Dryden, adjacent property owners, spoke against the request with concerns of noise, fumes, smell, and vehicles parked outside waiting for repair. They also asked about the final grade of the site. Mr. Smith stated that the company will provide a noise study for this location and that all fumes and smells will be contained within the building. After a brief discussion, motion was made by Wayne Johnson and seconded by Homer Whiting to recommend approval of the special use permit as requested with the following conditions:

1. Consideration for approval of the special use permit is not approval of any non-conformities shown on the site plan submitted with the application. City of Buford's Zoning and Development Regulations are applicable during the review of the construction documents.
2. Outdoor storage of automotive parts, junk vehicles or automotive repair related equipment shall be prohibited. Allow black metal decorative fencing with brick columns in front yard along Horizon Parkway with vehicles waiting for repair in the fenced storage area as shown on the site plan with landscaped screening along fencing on Horizon Parkway.
3. All automotive repair shall take place within the building. Outdoor repair operations shall be prohibited.
4. Allow tilt-up construction and metal panels substantially similar to the building rendering as submitted with the application.
5. To install a black vinyl coated chain link fence along the left side of the property from the front of the building to Horizon Parkway with a 4-foot berm with landscaping.
6. To allow the signage as submitted on the rendering that was provided with the application.

Ayes – 4

Nays – 0

III. #SUP-17-16

**Vermeer Southeast
2965 McEver Road
7-299-001044**

Requesting a special use permit to allow equipment sales and service with outside storage

P&Z Recommendation:

#SUP-17-16: Vermeer Southeast requested a special use permit for the property located at 2965 McEver Road. The special use permit requested is to allow equipment sales and service with outside storage. Dale Brown spoke on behalf of the applicant and explained the request to the Board. He stated that the outside storage area would be on a tract that is located in Hall County. There were no objections from the audience. Motion by Harley Bennett and seconded by Homer Whiting to recommend approval of the special use permit as requested with the following conditions:

1. Consideration for approval of the special use permit does not approve any non-conformities shown on the site plan submitted with the application. City of Buford's Zoning and Development Regulations are applicable during the review of the construction documents.
2. All equipment repair, if any, shall take place within the building. Outdoor repair operations shall be prohibited.
3. Display area is not located in the City limits.

Ayes – 4

Nays – 0

IV. #SUP-17-17:

Brandon Hastings
6699 McEver Road
8-160-001025

Requesting special use permit to allow a boat and RV storage

P&Z Recommendation:

#SUP-17-18: Brandon Hastings requested a special use permit for the property located at 6699 McEver Road. The special use permit requested is to allow a boat and RV storage facility. The applicant was present and explained the request to the Board. Mr. Hastings requested to install grouped landscaped areas along the frontage on McEver Road instead of a solid screen of evergreen trees. Motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the special use permit as requested with the following conditions:

1. A 50' tree save area from front setback or a 20' replanted buffer shall be located adjacent to the McEver Road right-of-way. If replanted, the buffer shall include grouped landscaped areas every 15 feet. The final planting plan shall be approved by the Planning Director prior to the approval of a land disturbance permit.
2. The land disturbance permit plans shall be substantially similar to the concept plan submitted with the SUP application dated 10-5-17.
3. Any and all repair services shall be done inside the facility. Outdoor repair shall not be permitted.
4. Collection of junk water craft or salvaged for parts shall not accumulate on the site over any period of time. Outdoor storage of parts or junk water craft shall be prohibited.

5. All water craft for sale or storage shall occupy designed spaces and the parking of water craft on grassed areas or within the right-of-way shall be prohibited.
6. Decorative security fence fronting McEver Road as approved by the Planning Director.
7. All other chain link or security fence shall be black vinyl coated.
8. Curb and gutter shall be installed along the deceleration lane and exiting the property to the property line. Sidewalk with a 2-foot landscape strip shall be installed along curbing the entire length of the property.
9. The ends of the storage sheds shall be brick that face the driveway.

Ayes – 4

Nays – 0

8. **Annexations:**

I. **Tract #1 – Plat #548**

**Gwinnett County
7-227-083**

**David & Daone Nisbet
2325 East Maddox Road
Buford, Georgia 30519**

Property: 2325 East Maddox Road

Acres: 1.41

Zoned From: R-100

Zoned To: R-100

P&Z Recommendation:

Plat #548: David and Daone Nisbet requested annexation and zoning for the property located at 2325 East Maddox Road, being parcel 7-227-083, from R-100 to R-100. The applicant was not present. Gwinnett County did not object to this annexation and zoning request and there were no objections from the audience. Motion by Harley Bennett and seconded by Wayne Johnson to recommend approval of the annexation and zoning to R-100.

Ayes – 4

Nays – 0

II. **Tract #2 – Plat #549**

**Gwinnett County
7-263-003**

**Charles T. McCullough
2838 North Bogan Road
Buford, Georgia 30519**

Property: 2838 North Bogan Road

Acres: 1.73

Zoned From: R-100

Zoned To: R-100

P&Z Recommendation:

Plat #549: Charles T. McCullough requested annexation and zoning for the property located at 2838 North Bogan Road, being parcel 7-263-003, from R-100 to R-100. The applicant was present and explained the request to the Board and stated that he proposed to subdivide the lot into two (2) tracts. Gwinnett County did not object to this annexation and zoning request and there were no objections from the audience. Motion by Wayne Johnson and seconded by Homer Whiting to recommend approval of the annexation and zoning to R-100 with the following condition:

1. To subdivide into two (2) tracts with Lot #1 being vacant consisting of 1.148 acres and Lot #2 includes the existing house consisting of 0.585 acres.

Ayes – 4

Nays – 0

III. Tract #3 – Plat #550

**Gwinnett County
7-327-072**

**Kenneth W. Ray
2560 Buford Dam Road
Buford, Georgia 30518**

Property: 2560 Buford Dam Road

Acres: 1.04

Zoning From: RL

Zoning To: RL

P&Z Recommendation:

Plat #550: Kenneth W. Ray requested annexation and zoning for the property located at 2560 Buford Dam Road, being parcel 7-327-072, from RL to RL. The applicant was present. Gwinnett County did not object to this annexation and zoning request and there were no objections from the audience. Motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the annexation and zoning to RL.

Ayes – 4

Nays – 0

IV. Tract #4 – Plat #551

**Hall County
08-139-001002**

**William B. Stark, Jr.
5106B Bristol Industrial Way
Suite S-300
Buford, Georgia 30518**

Property: Atlanta Highway

Acres: 1.03

Zoning From: C2

Zoning To: C2

P&Z Recommendation:

Plat #551: Williams B. Stark, Jr. requested annexation and zoning for the property located on Atlanta Highway, being parcel 08-139-001002, from C-2 to C-2. The applicant was present. Hall County did not object to this annexation and zoning request and there were no objections from the audience. Motion by Harley Bennett and seconded by Homer Whiting to recommend approval of the annexation and zoning to C-2.

Ayes – 4
Nays – 0

V. Tract #5 – Plat #552
Hall County
08-168-000079

Chester M. Ogle
3266 Shoreland Drive
Buford, Georgia 30518

Property: 3266 Shoreland Drive
Acres: 0.95
Zoning From: ARIII
Zoning To: RA-200

P&Z Recommendation:

Plat #552: Chester M. Ogle requested annexation and zoning for the property located at 3266 Shoreland Drive, being parcel 08-168-000079, from AR-III to RA-200. The buyer of the property was present and explained the request to the Board. Hall County did not object to this annexation and zoning request and there were no objections from the audience. Motion by Wayne Johnson and seconded by Homer Whiting to recommend approval of the annexation and zoning to RA-200.

Ayes – 4
Nays – 0

VI. Tract #6 – Plat #553
Hall County
08-168-000079A

Chester M. Ogle
3266 Shoreland Drive
Buford, Georgia 30518

Property: 3272 Shoreland Drive
Acres: 0.13
Zoned From: ARIII
Zoned To: RA-200

P&Z Recommendation:

Plat #553: Chester M. Ogle requested annexation and zoning for the property located at 3272 Shoreland Drive, being parcel 08-168-000079A, from AR-III to RA-200. The buyer of the property was present and explained the request to the Board. Hall County did not object to this annexation and zoning request and there were no objections from the audience. Motion by Homer Whiting and seconded by Wayne Johnson to recommend approval of the annexation and zoning to RA-200.

Ayes – 4
Nays – 0

9. Consider approval of Quitclaim of narrow strip of land having no independent use and to clarify any title discrepancies where Sudderth Road intersects I-985.
10. Consider approval of Morningside Drive subdivision plat for lot recording with permitting subject to addressing of comments.
11. Consider approval of Gateway project plat on Plunkett Road.
12. Consider approval of exemption plat on S. Alexander Street.
13. Consider approval of exemption plat on Legion Drive.
14. Consider one year extension of SUP-15-14 located at 4560 Atwater Court, Suites 101-102 to allow a church.
15. Authorize Chairman to sign engineering and traffic investigation report requesting for school zone designation by Georgia Department of Transportation on SR 13 (New Buford High School – School Zone).
16. Consider approval of application for closing of S. Lee Street, W. Moreno Street, and Main Street for film production on or about December 7, 2017.
17. Approve special event applications for Buford Youth Sports Complex (Repeat Applicants).
18. Authorize release of pledged funds with Peoples Bank & Trust.
19. Adopt update to Soil, Erosion, Sedimentation and Pollution Control Ordinance as required by Georgia EPD.
20. Authorize payment #2 for Washington Street Sidewalk Project.
21. Authorize payment #6 for South Lee Street LCI project.
22. Authorize payment #11 for new Buford City Gym.
23. Consider bids for Garnett Street sidewalk improvements – Phase II.
24. City Manager's Report.
25. City Attorney's Report.