

BUFORD CITY COMMISSION MEETING

February 4, 2019

1. Pledge to the Flag.
2. Approve the agenda as presented.
3. Approve the minutes from the January 7, 2019 meeting.

4. Rezoning

I. #Z-19-01/#SUP-19-01:

Embry Real Estate Partners, LLC

4096 Gainesville Highway, 4000 & 4022 Carter Road

Parcels: 08-151-003001, 08-151-003011, 08-151-003016

Rezoning from R-100/RA-200 to R-100 with a special use permit

Acres: 23.7

Requesting rezoning from R-100/RA-200 to R-100 with a special use permit to allow a CSO subdivision.

Planning & Zoning Recommendation:

#Z-19-01/#SUP-19-01: Embry Real Estate Partners, LLC request rezoning for the property located at 4096 Gainesville Highway, 4000 Carter Road and 4022 Carter Road from R-100/RA-200 to R-100 with a special use permit to allow a Conservation Subdivision. Jeff Pruitt spoke on behalf of the applicant stating they are proposing 61 lots with approximately 18 homes shall be basement lots. He also stated a recreation area will be provided and the houses shall have a minimum 2800 square feet. He also asked the Board to not require a wooden fence between this subdivision and Mabry Ridge, but to allow enhanced landscaping as a screen. Mr. Kerlin, City Manager, explained the Conservation Subdivision Ordinance to the Board and asked them to consider the staff report from McFarland-Dyer & Associates with the condition of 46 lots. He also stated that the developer shall provide a landscape strip between the two subdivisions and along Buford Highway to screen said development. 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 a Conservation Subdivision with the following conditions:

1. The applicant shall provide the City of Buford a sewer capacity analysis by a Georgia registered civil engineer indicating the existing pump station will not be brought above capacity with this proposed development. Any improvements needed to the pump station for increasing capacity would be at the expense of the owner and designed per City of Buford standards. Or, the City's Utility Department determines the development will have insignificant impacts to the capacity based on internal records.
2. The maximum number of lots shall be 46 single family lots with a net density of the 2.2 units per acre.
3. The development shall consist of single family residential front entry lots and the minimum open space shall be 8.30 acres at 28.08% which is lower than the minimum open space per the Conservation Overlay District Ordinance of 40%.
4. A mandatory homeowner's association (HOA) shall be provided and responsible for maintenance of all common open space, individual homeowner's lots, stormwater detention facilities including all requirements of management per Section 1317.A.
5. Minimum lot areas shall be 6600 square feet and 50 feet in width.
6. The building setback shall be 25-foot front, 25-foot rear and 5-foot side setbacks with a minimal distance between homes at 15-feet.
7. All homes shall be no less than 2800 square feet, excluding the basement, both finished and unfinished.
8. All homes to have a minimum two car garage.
9. All homes shall be constructed with four sides brick or stone with architectural accents not to exceed 40% on the front elevation and accents not to exceed 35% on the side or rear elevations. Accents shall include brick, stone, rock, stucco, shakes, hardiplank and concrete siding as approved by the Planning Director.
10. All driveways to be a minimum of 18-feet in width.
11. All newly constructed streets shall have a minimum 50-foot right-of-way with a 28-foot wide streets from back of vertical curb to back of vertical curb.
12. Areas adjacent to the Mabry Ridge Subdivision shall have a 10-foot landscape embankment or berm on the property line with a black vinyl coated chain link fence to be installed on the developer's side.
13. Areas along Buford Highway to the floodplain shall have a 10-foot landscape strip to screen said development with a black metal decorative fence with brick columns.
14. Street lights shall be provided throughout the project as approved by the City. All utilities shall be located underground.
15. Carter Road shall be brought to the City of Buford street standards including any necessary right-of-way to be dedicated for improvement implementation.
16. The proposed community shall not be site plan specific, but shall be developed in general accordance with the rezoning site plan and substantially similar to lot and street design. The applicant shall provide the Planning Director all required site analysis data per Section 1317 for review and approval prior to the submittal of development plan permit applications. If the site analysis data reveals the need for major revisions to the current site plan, the applicant shall apply for a change in conditions and be reconsidered by the City Commission.
17. All yards shall be sodded. Two (2) ornamental trees to be planted per lot. (crape myrtles preferred).

18. Rental of housing units shall be restricted to 10% and the restriction shall be part of the Declaration of Covenants, restrictions and easements.
19. Architectural shingles shall be used as roofing material.
20. Deceleration lane to be provided on Carter Road along with a 5-foot sidewalk from Atlanta Highway to property line on the west side of property corner.
21. Atlanta Highway improvements shall be per the standards and review by the State DOT. A 5-foot sidewalk shall be required by the City of Buford along the Atlanta Highway frontage.

Ayes – 5

Nays – 0

II. #Z-19-02:

Christopher McGrath

355 South Harris Street

Parcel: 7-295B-078

Rezoning from C-2 to R-100

Acres: .33

Requesting rezoning from C-2 to R-100 for proposed use of two residential lots

Planning & Zoning Recommendation:

#Z-19-02: Christopher McGrath request rezoning for the property located at 355 South Harris Street from C-2 to R-100. Chris Hill spoke on behalf of the applicant. He stated they would like to subdivide the lot for two (2) single-family residential homes. The proposed homes would be a minimum 2500 square feet and to be craftsmen style and farmhouse style homes with a brick or stone water table on the front elevation. Mr. Kerlin stated the City would like to see more brick or stone on the front elevation and have a water table on the side and rear elevations. There were no objections from the audience. Motion by Wayne Johnson and seconded by Homer Whiting to recommend the rezoning to R-100 with the following conditions:

1. The minimum square footage of the homes shall be 2500 square feet.
2. Prior to the approval of any building permits, the owner shall provide the Planning Director a house location plan demonstrating building setback encroachments, if any and apply for variances is needed.
3. Prior to the issuance of any building permits, the owner shall submit a minor subdivision plat that is substantially similar to the conceptual subdivision plan submitted with this rezoning case.
4. Lot widths shall be 64.5 feet at South Harris Street and each lot is to be no less than 7004 square feet.
5. The front elevation shall be 40% brick or stone with accents not to exceed 60%. The side and rear elevations shall have a 2-foot water table. Accents shall include brick, stone, rock, stucco, shakes, hardiplank and concrete siding as approved by the Planning Director.
6. The front setback shall be 25 feet.

7. The driveway shall be 18 feet in width.
8. A 5-foot sidewalk with a 2-foot landscape strip shall be provided with 24" curb and gutter.

Ayes – 5

Nays – 0

III. #Z-19-03:

Taylor & Mathis, Inc.

4624 Friendship Road

Parcel: 08-156-002021

Rezoning from C-2 to M-1

Acres: 11.93

Requesting rezoning from C-2 to M-1

Planning & Zoning Recommendation:

#Z-19-03: Taylor & Mathis, Inc. request rezoning for the property located at 4624 Friendship Road from C-2 to M-1. Mike Irby spoke on behalf of the applicant. He stated the request is to rezone approximately 12 acres to M-1 to have a total of approximately 78 acres for an industrial development with 4 proposed buildings. He also stated that 8 acres (4 lots) along Friendship Road would remain C-2 and asked that the undisturbed buffer against the residential tract be reduced to 50 feet. Several homeowners from The Estates at Bogan Springs subdivision were present and had questions about the development concerning additional buffers and landscaping. After a short discussion, 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 to be 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. However, approval of the rezoning case does not relieve the owner from conformity to the State EPD State Waters Regulations, Developments Regulations and Zoning Ordinance.
2. An enhanced landscape planting plan shall be required within the dissimilar zoning buffers where the existing vegetation does not provide for proper screening. Final plan is to be reviewed and approved by the Planning Director.
3. Buildings shall be substantially similar to the building rendering that was submitted with the application and may include tilt-up construction as approved by the Planning Director.
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.
5. To reduce the undisturbed buffer from 75 feet to 50 feet next to the residential property along Friendship Road.
6. To construct a wall on the undisturbed buffer line adjacent to The Estates at Bogan Springs properties and to re-establish the landscaping in the buffer to the extent that it was disturbed.

Ayes – 5
Nays – 0

5. **Annexation**

I. Tract #1 – Plat #567

Hall County
08-156-002007

Exit 2 Partners, LLC/John R. Yost
883 Rogers Bridge Road, Suite 602
Duluth, Georgia 30097

Property: 4604 Friendship Road
Acres: 0.86
Zoned From: AR-III
Zoned To: C-2

Planning & Zoning Recommendation:

Plat #567: Exit 2 Partners, LLC requested annexation and rezoning for the property located at 4604 Friendship Road from AR-III to C-2, being parcel 08-156-002007. Mike Irby spoke on behalf of the applicant. He stated this was a 0.86-acre tract that would be combined with the remaining C-2 property along Friendship Road to provide four (4) commercial lots. He asked that they be allowed to have right-in and right-out access to each parcel. There were no objections from the audience. Motion by Homer Whiting and seconded by Bobby Davis to recommend approval of the annexation and rezoning request to C-2 with the following conditions:

1. Future commercial developments along Friendship Road shall be allowed right-in/right-out access for each parcel as per the regulations and approval by Georgia Department of Transportation. Interparcel access shall be required.
2. Construction documents for the roadway shall be substantially similar to the development concept plan provided with the rezoning case #Z-19-03.
3. To reduce the undisturbed buffer from 75 feet to 50 feet next to the residential property along Friendship Road.

Ayes – 5
Nays – 0

6. **Zoning Modification**

I. #ZM-19-01:

David Frick – D. R. Horton
4191 Summer Breeze Way, Lot 57A
Whispering Creeks Subdivision

Requesting zoning modification of zoning condition #5 for front setback from 20 feet to 19 feet.

7. Consider amendment to condition number 4 for Duncan Donuts and reduce landscape strip from 10' to 5' as presented.
8. Consider approval of wastewater allocation for Popeye's restaurant located at 4455 Nelson Brogdon Boulevard.
9. Consider approval of agreement with MEAG Power to purchase electricity from the City of East Point.
10. Consider approval for renewal of City of Buford's Workers' Compensation insurance policy for 2019-2020.
11. Consider the renewal of the Property and General Liability insurance policy for 2019 & 2020.
12. Authorize City Manager to negotiate purchase of real estate.
13. Consider approval of contract with Counseling Connection Inc. (CCI) for employee assistance program services (EAP) in the City of Buford's anti-drug and alcohol misuse prevention program.
14. Approve two (2) special events at Buford Youth Sports Complex.
15. Consider approval of application for special outdoor event on Buford Community Center Lawn (Art-Tiques Vintage Market).
16. Consider adoption of City of Buford 2040 comprehensive plan.
17. Approve payment #16 for Buford City Gym project (final).
18. Approve payment #3 and change order #2 for Jackson Street CDBG Stormwater project.
19. Approve payment #4 for City of Buford Parking Deck project.
20. Approve payment #4 for Hamilton Mill Road Gas Relocation project.
21. Approve payment #17 for South Lee Street LCI Pedestrian Streetscape project.
22. Approve payment #3 for streetscape improvements at the corner of South Lee Street and Moreno Street.
23. City manager's report.
24. City attorney's report.

NOTE: The City of Buford does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities per the Americans with Disabilities Act of 1992. Bryan Kerlin, City Manager, 770-945-6761, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator. The City of Buford will assist citizens with special needs given proper advance notice. Any requests for reasonable accommodations required by individuals to fully participate in any open meeting, program, or activity of the City should be directed to the ADA Coordinator, Bryan Kerlin, 2300 Buford Highway, Buford, Georgia, 30518.