

BUFORD CITY COMMISSION MEETING

March 4, 2019

1. Pledge to the Flag.
2. Approve the agenda as presented.
3. Approve the minutes from the February 4, 2019 meeting.
4. Change April meeting to April 2, 2019.
5. **Rezoning**

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

Embry Real Estate Partners, LLC

4096 Gainesville Highway, 4000 Carter Road and 4022 Carter Road

Parcel: 08-151-003001, 08-151-003011 and 08-151-003016

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

Acres: 23.7

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

P & Z 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-19-05:

Marty Orr

Jackson Street

Parcel: 7-294D-191

Zoning from M-1 to R-100

Acres: 0.434

Request rezoning from M-1 to R-100.

P & Z Recommendation:

#Z-19-05: Marty Orr requests rezoning for the property located on Jackson Street, being parcel 7-294D-191, from M-1 to R-100. The applicant was present and stated this was a single lot and proposing to build one house around 2000 square feet with brick or stone on the front elevation and hardiplank on the side and rear elevations similar to the homes on South Hill Street. The Board stated the recommendation was to allow a minimum 2800 square foot house with 4 sides brick or stone with accents not to exceed 60% on each elevation, but would consider 2200'-2400' house with the rear being 100% hardiplank siding. There were no objections from the audience. After a brief discussion, motion by Homer Whiting and seconded by Bobby Davis to recommend approval of the rezoning to R-100 with the following conditions:

1. The front setback shall be 25 feet and the rear setback shall be 30 feet. The side setback shall be a minimum of 5 feet.
2. The minimum gross heated floor for a ranch home shall be 2200 square feet and for a two-story home shall be 2400 square feet, which shall exclude the basement, both finished and unfinished. The home shall have a two (2) car garage.
3. The home shall be constructed with 3 sides brick or stone with architectural accents not to exceed 60% on each elevation. The rear shall be 100% hardiplank siding. Accents shall include brick, stucco, rock, shakes, hardiplank and concrete siding as approved by the Planning Director.
4. The driveway shall be a minimum of 18 feet in width.
5. All yards shall be sodded.
6. Architectural shingles shall be used as roofing material.
7. Install curb and gutter and 5-foot sidewalk with 2-foot landscape strip.

Ayes – 5
Nays – 0

III. #Z-19-06/#SUP-19-06/#SUP-19-07:

**William Fricks/Donrob Investments
2343 Brown Road
Parcels: 7-143-051/7-143-055
Acres: 3.29**

Requesting rezoning from RA-200 to C-2 with a special use permit to allow outdoor events and to be able to offer overnight accommodations.

P & Z Recommendation:

#Z-19-06/#SUP-19-06/#SUP-19-07: William Fricks and Donrob Investments, LP requests rezoning for the property located at 2343 Brown Road, being parcels 7-143-051 and 055 from RA-200 to C-2 with a special use permit to allow outdoor special events and to offer overnight accommodations. Mr. Fricks was present and explained that the use would be an event center and would like to offer overnight stay for the guests that would be holding retreats and events at this facility. He stated there would be 60 parking spaces and there would be no parking on Brown Road. They would like for the entrance to keep its residential look and feel and not to look like a business. Tony Sheffler, adjacent property owner, spoke in favor of the request and said it would be a great addition to the area. There were no objections from the audience. Motion by Wayne Johnson and seconded by Homer Whiting to recommend approval of the rezoning to C-2 with the special use permits as requested with the following conditions:

1. The commercial use of the subject property is limited to recreation facility, indoor and outdoor. A residential occupancy of the existing home shall not be an allowable use. Overnight boarding of guest similar to a bed and breakfast for a hotel is considered under special use permit #SUP-19-07 with the following associated conditions:
 - a. Maximum occupancy is limited to two persons per bedroom plus two additional persons per household from 11:00 p.m. to 8:00 a.m. The total occupancy for overnight accommodations is 16 guests.
 - b. The owner shall provide the City of Buford a 24-hour contact person to respond to if the City of Buford should receive any violations of the Zoning Ordinance or any disturbances or complaints. The point person contact will work with the City of Buford staff to remedy the situation regarding the conditions, operation or conduct of occupants of this property.
 - c. Maximum rental period to the same client is 10 days.
 - d. Fire Department inspection shall be required prior to the issuance of a certificate of occupancy.

2. Future changes to the special use permit or the proposal of another commercial use shall require the request to be reconsidered as a separate rezoning case and/or special use permit.
3. Subsequent land development permit or building permits shall be approved by the City prior to a certificate of occupancy.
4. The approval of this rezoning application does not provide variances or waivers to the City's Zoning and/or Development Regulations.
5. On-streets parking shall be prohibited.
6. All associated parking and drive isles shall be constructed of a permanent hard surface such as asphalt or concrete meeting minimal standards of the City of Buford Development Regulations.

Ayes – 5
Nays – 0

6. **Special Use Permit**

I. #SUP-19-02:

Alec NG

4991 B. U. Bowman Drive, Unit 100

Parcel: 08-157A-000003

Requesting special use permit to allow an auto tire service.

Planning & Zoning Recommendation:

#SUP-19-02: Alec NG requested a special use permit for the property located at 4991 B.U. Bowman Drive, Unit 100. The special use permit requested is to allow an auto tire service. The applicant was present 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 special use permit as requested with the following conditions:

1. Outdoor storage of automotive parts, junk vehicles or automotive repair related equipment shall be prohibited.
2. All automotive installation or repairs shall take place within the building. Outdoor installation or repair operations shall be prohibited.

Ayes – 5
Nays – 0

II. #SUP-19-03:

Hang Nguyen

3616 South Bogan Road, Suite 101

Parcel: 7-219-002

Requesting special use permit to allow micro blading (permanent makeup).

Planning & Zoning Recommendation:

#SUP-19-03: Hang Nguyen requested a special use permit for the property located at 3616 South Bogan Road, Suite 101. The special use permit requested is to allow micro-blading. The applicant was present and explained the request to the Board. She stated that this is a cosmetic procedure for the eyebrows only and is semi-permanent and lasts about 1 ½ years. The Board stated that micro-blading would be considered a tattooing technique, but differs from the standard tattooing with it being a semi-permanent pigment to the skin. The Board did not object for the use of cosmetic purposes only. There were no objections from the audience. After a brief discussion, motion by Homer Whiting and seconded by Harley Bennett to recommend approval of the special use permit as requested with the following conditions:

1. To be used for cosmetic purposes only for the eyebrows and to be semi-permanent.

Ayes – 5

Nays – 0

III. #SUP-19-04:

Radial Property Group, LLC

1357/1364/1367/1374 Buford Business Boulevard

Parcel: 7-258-349/7-258-350/7-258-351/7-258-352

Requesting special use permit to allow an office/warehouse condominium.

Planning & Zoning Recommendation:

#SUP-19-04: Radial Property Group, LLC requested a special use permit for the property located at 1357/1364/1367/1374 Buford Business Boulevard. The special use permit requested is to allow an office/warehouse condominium. The applicant was present and explained the request to the Board. One adjacent property owner from Highland Creek Subdivision had questions about developing the property with concerns of grading, buffers, slopes, privacy fence and safety issues. The Board stated there is a 50-foot undisturbed buffer against residential properties. After a brief discussion, motion by Homer Whiting and seconded by Bobby Davis to recommend approval of the special use permit as requested with the following conditions:

1. The applicant shall provide the City of Buford with recorded copies of the Condominium Associations By-Laws and Covenants for its records. The By-

Laws and Covenants shall include contact and responsibility of stormwater system maintenance, site and building code compliance.

2. Impose a 50' undisturbed buffer adjacent to residential properties.

Ayes – 5

Nays – 0

IV. #SUP-19-09:

Nizar Dayani

2490 Satellite Boulevard

Parcel: 7-229-130

Requesting special use permit to allow a 5-story dual brand hotel.

Planning & Zoning Recommendation:

#SUP-19-09: Nizar Dayani requested a special use permit for the property located at 2490 Satellite Boulevard. The special use permit requested is to allow a 5-story dual brand hotel. The applicant was present and explained the request to the Board. He stated this is a Best Western hotel with 80 rooms and 40% of the rooms to be extended stay suites. Mr. Kerlin stated that these rooms cannot be considered apartments for living purposes because this would affect service delivery, which includes students that may attend Buford City Schools. The Board stated they could provide a nightly room rate with a maximum 14-day stay and rooms limited to a refrigerator, microwave and coffee pot. The applicant agreed. There were no objections from the audience. After a brief discussion, motion by Homer Whiting and seconded by Wayne Johnson to recommend approval the special use permit as requested with the following conditions:

1. Approval of the special use permit does not grant relief of any Development Regulations or Zoning Ordinance standards.
2. Prior to the issuance of any permits the owner must provide copies of temporary construction easements from the adjacent property owners.
3. The proposed development shall not alter the parking spaces of the adjacent property and all drive isles connecting the sites through inter-parcel access shall meet all minimal requirements of the City of Buford and Gwinnett County Fire codes.
4. The hotel shall operate as a nightly rate hotel and rooms shall be limited to a refrigerator, microwave and coffee machine.
5. Maximum occupation of a room shall not exceed 14 days.
6. Up to 40% of the rooms may be executive residency rooms with a maximum 14-day stay with a nightly rate.

Ayes – 5

Nays – 0

V. #SUP-19-10:

Steve Faiella

4915 Lanier Islands Parkway

Parcel: 08-157-000035

Requesting special use permit to allow a carwash.

Planning & Zoning Recommendation:

#SUP-19-10: Steve Faiella requested a special use permit for the property located at 4915 Lanier Islands Parkway. The special use permit requested is to allow a car wash. The applicant was present 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 special use permit as requested with the following conditions:

1. The development permit construction drawings shall be substantially similar to the site plan provided with this special use permit application.
2. The approval of the special use permit is not approval of any relief from the requirements of the Development Regulations or Zoning Ordinance.

Ayes – 5

Nays – 0

7. Annexation:

I. Tract #1 – Plat #568/#Z-19-10/#SUP-19-05

Hall County
08-151-002003

Frazer24, LLC

4705 Hamilton Mill Road, Suite 300
Buford, GA 30518

Property: 5340 Frazer Road

Acres: 23.99

Zoned From: AR-III

Zoned To: R-100 with special use permit for CSO subdivision

Planning & Zoning Recommendation:

Plat #568/#Z-19-04/#SUP-19-05: Frazer24, LLC requests annexation and rezoning for the property located 5340 Frazer Road from AR-III to R-100 with a special use permit to allow a Conservation Subdivision. Keith Breedlove spoke on behalf of the applicant and stated they are proposing 50 single family homes with 6 acres of open space. Several property owners along Frazer Road and Wildwood Subdivision spoke in opposition of the request. They stated that Frazer Road is a substandard road, in need of maintenance and had concerns about the ability of the road handling the increased traffic from the additional subdivision and traveling safely with the additional cars on the road. One gentlemen asked about the stormwater runoff and another gentleman had questions about the side setbacks being reduced to five (5) feet. Mr. Breedlove stated that they would be

installing a detention pond to handle the stormwater. He also stated that the side setbacks were five (5) feet from the property line with a house separation of 15 feet. After a brief discussion, motion by Homer Whiting and seconded by Bobby Davis to recommend approval of the annexation, rezoning to R-100 and special use permit as requested with the following conditions:

1. The maximum number of lots shall be 50 single family lots.
2. The development shall consist of single family residential front entry lots and the minimum open space shall be 6.07 acres at 25.3% which is lower than the minimum open space per the Conservation Subdivision Ordinance of 40%.
3. 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.
4. Minimum lot areas shall be 10,000-square feet and 75-feet in width.
5. The building setbacks shall be 30-foot front, 25-foot rear and 5-foot side setbacks with a minimal distance between homes at 15-feet.
6. All ranch homes shall be no less than 2400 square feet and all two-story homes shall be no less than 2800 square feet, excluding the basement, both finished and unfinished.
7. All homes to have a minimum two car garage.
8. All homes shall be constructed with four (4) 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.
9. All driveways to be a minimum of 18-feet in width.
10. All newly constructed streets shall have a minimum 50-foot right-of-way with 28-foot wide streets from back of vertical curb to back of vertical curb.
11. Street lights shall be provided throughout the project as approved by the City. All utilities shall be located underground.
12. Frazer Road shall be brought to the City of Buford street standards including any necessary right-of-way to be dedicated for improvement implementation.
13. 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 concurrent to the submittal of development plan permit applications.
14. All yards shall be sodded. Two (2) ornamental trees to be planted per lot. (crape myrtles preferred).
15. Rental of housing units shall be restricted to 10% and the restriction shall be part of the Declaration of Covenants, restrictions and easements.
16. Architectural shingles shall be used as roofing material.
17. Deceleration lane to be provided on Frazer Road including a 5-foot sidewalk with a 2-foot landscape strip along the road frontage.
18. 5-foot interior sidewalks to be provided on both sides of the interior street with 2-foot grass strip between the back of curb and sidewalk.

Ayes – 5
Nays – 0

8. **Zoning Modification:**

#ZM-19-01: Dennis Gutierrez
80 South Alexander Street

To reduce the front setback on W. Moreno Street to 17.2 feet
To reduce the front setback on S. Alexander Street to 19.4 feet

9. Consider exemption plat for Jeff Henderson.
10. Consider wastewater sewer allocation for Dunkin Donuts at 4803 Golden Parkway.
11. Authorize and request introduction of local legislation to ratify and reaffirm the corporate limits of the City of Buford per reference to the City's Official map.
12. Authorize City Manager to proceed with the Phase II of the Sewer Trunk Line Improvement project and acquire easements for project by means necessary.
13. Authorize City Manager to sign sewer easements associated with Lanier Harbor pumping station.
14. Authorize approval of installation of speed limit sign(s) and stop sign(s) in Brentwood Subdivision subject to approval of City Engineer.
15. Authorize Chairman to submit 2020 CDBG Program Grant applications to Gwinnett County.
16. Approve special events (2) at Buford Youth Sports Complex.
17. Consider low bid for Dacula Road at SR 8 natural gas facilities relocation project.
18. Authorize payment #5 for Hamilton Mill Road gas relocation project.
19. Authorize payment #3 (final) for SR 13 at Heraeus Boulevard Intersection improvements project.
20. Authorize payment #5 for City of Buford parking deck project.

21. City Manager's report.

22. 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, 770-945-6761.