

# BUFORD CITY COMMISSION MEETING

November 5, 2018

1. Pledge to the Flag.
2. Approve the agenda as presented.
3. Approve the minutes from the October 1, 2018 meeting.
4. **Rezoning**

**I. #Z-18-10/#SUP18-17:**  
**Waters-Edge Group, Inc.**  
**90 North Harris Street**  
**Parcel: 7-294C-064/077**  
**Zoning from RA-200 to C-2**  
**Acres: 2.32**

**Request to allow rezoning from R-100/C-2 to R-100 with a special use permit to allow a CSO subdivision**

## **P & Z Recommendation:**

#Z-18-10/#SUP-18-17: Waters-Edge Group, Inc. requested rezoning for the property located at 90 North Harris Street, being parcels 7-294C-064/077, from R-100/C-2 to R-100 with a special use permit to allow a CSO Subdivision. Trevor Khonkwiler spoke on behalf of the applicant and explained the request to the Board. He presented the concept site plan and stated that some of the units would be front entry plans and some the units would be rear entry plans with a courtyard area. He stated that he and staff had discussed the five (5) houses facing North Harris Street. The houses would have a 10-foot front setback and the width of the driveways would be 18 feet instead of 15 feet in the MDA report. A citizen that lives on North Harris Street stated that the road was narrow and wanted to know if there were any improvements being proposed. Mr. Khonkwiler stated that North Harris Street would be widened to Buford standard code with curb and gutter and sidewalks. Art Copeland spoke in opposition of the development with concerns about topography, density and small alleyways. He stated that this was not a good zoning for Buford. Jeff Smith, Developer's engineer, addressed the concern and said they have engineered the site and can make the project work as proposed and that the project will have to comply with all codes and regulations for the City to approve. Two (2) other adjoining property owners spoke with the same concerns. Mr. Perkins stated he would like to see the minimum square footage be 2000 square feet. Mr. Kerlin stated that the City concurred with recommendation of approval with those two (2) changes in the conditions, minimum 2000 square foot houses and 18 foot wide driveways, and to add

that the HOA to maintain all the homeowner's private yards. After a brief discussion, motion was made by Wayne Johnson and seconded by Bobby Davis to recommend approval of the rezoning to R-100 with a special use permit as requested with the following conditions:

1. Minimum square footage of all homes shall be 2000 square feet.
2. Roadway improvements shall conform to Buford City Code, except that the public street shall be 26 feet back of vertical curb to back of vertical curb and 13 feet from centerline to back of curb for improvements when developing on one side. All proposed private streets shall be constructed to Buford City Code including, but not limited to, cul-de-sacs, curb and gutter, sidewalks, etc.
3. Sidewalks shall be installed on both sides of North Harris Street as approved by the Planning Director. No sidewalks on Garner Street.
4. The construction documents shall be substantially similar to the site plan provided with the rezoning application.
5. Building setbacks shall be 25 feet on the front and 15 feet on the rear and 5-foot side setbacks with 15 feet of building separation with 10-foot front setbacks facing the courtyard. The five (5) houses facing North Harris Street shall have a 10-foot front setback.
6. Private alleys shall be designed and constructed to Buford City standards for private streets with width pursuant to the site plan submitted with this application, 20 feet back of roll back curb to back of roll back curb.
7. Yards shall be sodded. At least one (1) ornamental tree shall be planted in the front yard minimal 2" caliper.
8. Driveways shall be a minimum of 20 feet in depth and 18 feet in width from access easement or right-of-way (20 feet back of curb).
9. There shall be a maximum of 14 lots.
10. 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.
11. A mandatory homeowners' association (HOA) shall be provided and be responsible for maintenance of all grounds, homeowner's private yards, water quality/detention facilities and open space.

Ayes – 4

Nays – 1



**II. #Z-18-11/#SUP-18-18:**

**Waters-Edge Group, Inc.**

**279 South Alexander Street & 132/172 West Park Street**

**Parcel: 7-294A-070/071/072/082A/082**

**Acres: 2.08**

**Request to allow rezoning from R-100/P to R-100 with a special use permit to allow a CSO subdivision**

**P & Z Recommendation:**

#Z-18-11/#SUP-18-18: Waters-Edge Group, Inc. requested rezoning for the property located at 279 South Alexander Street and 132/172 West Park Street, being parcels 7-294A-070/071/072/082A/082, from R-100/P to R-100 with a special use permit to allow a CSO Subdivision. Trevor Shonkwiler spoke on behalf of the applicant and explained the request to the Board. He presented the concept site plan and stated that the house plans would be rear entry to the courtyard and the front elevation would face the street. Brandon Hastings asked about the proposed road improvements. Mr. Shonkwiler stated that road improvements are proposed with curb and gutter and sidewalks. He also stated that the driveway width would be 18 feet. Mr. Kerlin asked about the 5-bedroom house plan and the option of providing a 3-car garage. Mr. Khonkwiler stated that it could possibly be done on a couple of the lots, but also stated would be open to providing 4-bedroom homes only. After a brief discussion, motion was made by Homer Whiting and seconded by Harley Bennett to recommend approval of the zoning to R-100 with a special use permit as requested with the following conditions:

1. Minimum square footage of ranch style homes shall be 2200 square feet and 2400 square feet for two-story homes.
2. Roadway improvements shall conform to Buford City Code of Ordinances where properties have road frontage. All proposed private streets shall be constructed to Buford City Code including, but not limited to, cul-de-sacs, curb and gutter, sidewalks, etc.
3. Sidewalks on West Park Street and South Alexander Street pursuant to the Buford City Code of Ordinances as approved by the Planning Director.
4. Yards shall be sodded. At least one (1) ornamental tree shall be planted in the front yard minimal 2" caliper.
5. Building setbacks shall be 15 feet front from access easement and 15 feet rear and 5-foot side setbacks with 15 feet of building separation.
6. Private alleys shall be designed and constructed to Buford City standards for private streets with width pursuant to site plan as submitted with this application, 20 feet back of roll back curb to back of roll back curb.
7. Driveways shall be a minimum of 20 feet in depth and 18 feet in width from access easement or right-of-way (20 feet back of curb).
8. 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.

9. There shall be a maximum of 11 lots.
10. A mandatory homeowners' association (HOA) shall be provided and be responsible for maintenance of all grounds, homeowner's private yards, water quality/detention facilities and open space.
11. To allow a maximum of 4-bedroom homes only.

Ayes – 5  
Nays – 0

## **5. Special Use Permit**

### **I. #SUP-18-19:**

**Bill L. Gray**  
**4600 South Lee Street**  
**Parcel: 7-269-067**  
**Zoning: C-2**

**Requesting special use permit to allow an auto body shop**

### **Planning & Zoning Recommendation:**

#SUP-18-19: Bill L. Gray requested a special use permit for the property located at 4600 South Lee Street. The special use permit requested is to allow an auto body shop. Larry Johnson 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 special use permit as requested with the following conditions:

1. Outdoor storage of equipment of automotive parts, junk vehicles or automotive repair related equipment shall be prohibited.
2. All automotive repairs shall take place within the building. Outdoor operations shall be prohibited.
3. Outdoor parking of vehicles awaiting repairs shall only be located in striped parking spaces and shall not exceed the number of parking spaces provided on the premises.

Ayes – 5  
Nays – 0

**II. #SUP-18-20:**

**Compass Self Storage  
4365 Commerce Drive  
Parcel: 7-259-249  
Zoning: C-2**

**Requesting special use permit to allow a truck rental business**

**Planning & Zoning Recommendation:**

#SUP-18-20: Compass Self Storage requested a special use permit for the property located at 4365 Commerce Drive. The special use permit requested is to allow truck rentals. The applicant was not present. An adjoining property owner from Rose Hill Plantation asked if there would be a building addition to this site. Mr. Perkins stated that this request was only for permission to have truck rentals at this site. Motion by Homer Whiting and seconded by Bobby Davis to recommend approval of the special use permit as requested with the following conditions:

1. Parking and storage of rental trucks shall be at designated locations on the site, on permanent hard surface and stored in a place that does not conflict with emergency access to the development. A truck rental operation site plan shall be reviewed and approved by the Planning Director that demonstrates the site contains sufficient room for truck storage at peak times.
2. Rental trucks shall be parked behind the fence with one (1) rental truck to be allowed to be parked outside the fence.

Ayes – 5  
Nays – 0

**III. #SUP-18-21:**

**Scrap Iron Customs, LLC  
70 North Gwinnett Street  
Parcel: 7-294C-097  
Zoning: C-2**

**Requesting special use permit to allow a small business specializing in vintage, classic and collector vehicle customization, modification and rebuilding**

**Planning & Zoning Recommendation:**

#SUP-18-21: Scrap Iron Customs, LLC requested a special use permit for the property located at 70 N. Gwinnett Street. The special use permit requested is to allow a small business specializing in vintage, classic and collector vehicle customization modification and rebuilding. Mitch Peevy 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 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. Automotive related work shall take place within the building. Outdoor operations shall be prohibited.
3. Outdoor parking of vehicles awaiting work shall be limited to striped parking spaces and shall not exceed the number of parking spaces provided on the premises.

Ayes – 5

Nays – 0

**IV. #SUP-18-22:**

**Embry Real Estate Partners, LLC  
2319, 2331, 2335 Shoal Creek Road  
Parcel: 7-326-041, 7-326-042, 7-326-114  
Zoning: R-100**

**Requesting special use permit to allow a CSO subdivision**

**Planning & Zoning Recommendation:**

#SUP-18-22: Embry Real Estate Partners, LLC. requested a special use permit for the property located at 2319/2331/2335 Shoal Creek Road. The special use permit requested is to allow a CSO Subdivision. Jeff Pruitt spoke on behalf of the applicant and explained the request to the Board. He stated there would be 25 lots with 25% open space. One lady spoke in favor of the request. One lady spoke in opposition of the request with concerns of the smaller lot sizes and increased traffic on Shoal Creek Road. Brandon Hastings spoke about the lot sizes and requested a landscape buffer along Shoal Creek Road. Mr. Pruitt stated that the entrance to the subdivision would be landscaped. Mr. Kerlin stated that he would like to see HOA maintain the homeowner's private yards. Motion by Bobby Davis and seconded by Harley Bennett to recommend approval of the special use permit as requested with the following conditions:

1. The applicant shall provide the Planning Director all required items of the Conservation Subdivision Overlay Section 1317 for review and approval prior to the submittal of development plan permit applications. The site plan shall be substantially similar to the plan submitted with the special use permit application. Major revisions to the current site plan shall be reconsidered by the City Commission as a change in conditions public hearing if the site inventory and analysis plan reveal the need for revisions.
2. The proposed development is approved for a R-100 CSO subdivision at 15.56 acres which is less than the minimal 40 acres as required under Section 1317.2.1.
3. A mandatory homeowners' association (HOA) shall be provided and responsible for maintenance of all common open space, homeowner's private yards,

- stormwater detention facilities including all requirements of management per Section 1317.A.
4. The property shall consist of a maximum of 25 single family residential lots.
  5. The minimum lot area to be 10,000 square feet and the minimum lot width shall be 75 feet.
  6. The front setback shall be 30 feet, rear setback shall be 25 feet and side yard setback shall be a minimum 5 feet with a 15-foot separation between houses.
  7. All homes shall have a minimum gross heated floor area of 2800 square feet, which shall exclude the basement, both finished and unfinished. The homes shall have a minimum two car garage. Subdivision shall have 66% basement lots.
  8. All homes shall be constructed of three (3) sides brick or stone with 40% accents. Accents shall include brick, rock, stucco, shakes, hardiplank and concrete siding as approved by the Planning Director.
  9. All driveways to be a minimum of 20 feet in width.
  10. All newly constructed streets shall be private and privately maintained and shall have a minimum 46-foot side utility easement with a 28-foot-wide street from back of vertical curb to back of vertical curb.
  11. All streets in the subdivision shall have a five (5) foot sidewalk on both sides of the street with a two (2) foot landscape strip on both sides of the street.
  12. Street lights shall be provided throughout the project as approved by the City. All utilities shall be located underground.
  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.
  14. All yards shall be sodded with one (1) ornamental tree in the front yard.
  15. Rental of housing units shall be restricted to 10% in the Declaration of covenants, restrictions and easement.
  16. Architectural shingles shall be used as roofing material.

Ayes – 5  
 Nays – 0

**6. Annexation:**

**I. Tract #1 – Plat #562**  
 Gwinnett County  
 1-004-027

**Southern Heritage Home Builders**  
 4154 Silver Peak Parkway, Suite C  
 Suwanee, GA 30024

Property: 3360 North Bogan Road  
 Acres: 4.290  
 Zoned From: R-100  
 Zoned To: R-100

**Planning & Zoning Recommendation:**

Plat #562: Southern Heritage Homebuilders requests annexation and zoning for the property located at 3360 North Bogan Road from R-100 to R-100. Mitch Peevy spoke on



behalf of the applicant. Mr. Peevy stated the proposal is for three (3) single family homes on larger basement lots with 3-car garages. He stated these homes will be served by septic systems. Gwinnett County did not object to this annexation and zoning request. One adjoining property owner from The Reserve at Bogan Lakes asked about elevation of the homes and screening. Mr. Peevy stated the homes would be similar to the ones in her subdivision and there would be some landscaping on the lots. Motion by Wayne Johnson and seconded by Harley Bennett to recommend approval of the annexation and zoning to R-100 with the following conditions:

1. Single family homes and accessory uses only.
2. All homes shall be constructed with four (4) sides brick or stone with accents not be exceed 40% on each elevation. Accents shall include brick, stucco, rock, shakes, hardiplank and concrete siding as approved by the Planning Director.
3. All front and rear yards shall be sodded and shall have two (2) 3-inch caliper canopy trees planted in the front yard.
4. All homes shall have a minimum gross heated floor area of 3400 square feet exclusive of garages or basements. All homes shall have a minimum two (2) car garages.
5. To install curb and gutter and five (5) foot sidewalk with two (2) foot landscape strip along the entire property frontage.

Ayes – 5

Nays – 0

**II. Tract #2 – Plat #563**

Gwinnett County  
1-004-115

**Marcus & Stacey Lotshaw**

3500 North Bogan Road  
Buford, GA 30519

Property: 3500 North Bogan Road

Acres: 0.51

Zoned From: R-100

Zoned To: R-100

**Planning & Zoning Recommendation:**

Plat #563: Stacey and Marcus Lotshaw requests annexation and zoning for the property located at 3500 North Bogan Road from R-100 to R-100. Jason Jackson spoke on behalf of the applicant and said they are proposing 12 lots and will be served by City sewer. Gwinnett County did not object to this annexation and zoning request. One adjoining property owner from The Reserve at Bogan Lakes wanted to know what her house would be facing. The developer stated she would be facing the back yards of the proposed houses. Motion by Wayne Johnson and seconded by Bobby Davis to recommend approval of the annexation and zoning to R-100 with the following conditions:

1. Single family homes and accessory uses only.
2. The subdivision shall consist of a maximum of 12 lots.



3. All homes shall be constructed with four (4) sides brick or stone with accents not to exceed 40% on each elevation. Accents shall include brick, stucco, rock, shakes, hardiplank and concrete siding as approved by the Planning Director.
4. All front and rear yards shall be sodded and shall have two (2) 3-inch caliper canopy trees planted in the front yard.
5. All homes shall have a minimum gross heated floor area of 3400 square feet exclusive of garages or basements. All homes shall have a minimum two (2) car garages.
6. To install curb and gutter and five (5) foot sidewalk with two (2) foot landscape strip along the property frontage on North Bogan Road and the proposed internal street.
7. The development shall comply with the Sewer Use Ordinance.

Ayes – 5  
 Nays – 0

**III. Tract #3 – Plat #564**  
 Gwinnett County  
 1-004-083

**Terri Milburn / Janet Moon**  
 3520 North Bogan Road  
 Buford, GA 30519

Property: 3520 North Bogan Road  
 Acres: 7.52  
 Zoned From: R-100  
 Zoned To: R-100

**Planning & Zoning Recommendation:**

Plat #564: Terri Milburn and Janet Moon requests annexation and zoning for the property located at 3520 North Bogan Road from R-100 to R-100. Jason Jackson spoke on behalf of the applicant and said they are proposing 12 lots and will be served by City sewer. Gwinnett County did not object to this annexation and zoning request. Motion by Homer Whiting and seconded by Harley Bennett to recommend approval of the annexation and zoning to R-100 with the following conditions:

1. Single family homes and accessory uses only.
2. The subdivision shall consist of a maximum of 12 lots.
3. All homes shall be constructed with four (4) sides brick or stone with accents not to exceed 40% on each elevation. Accents shall include brick, stucco, rock, shakes, hardiplank and concrete siding as approved by the Planning Director.
4. All front and rear yards shall be sodded and shall have two (2) 3-inch caliper canopy tree planted in the front yard.
5. All homes shall have a minimum gross heated floor area of 3400 square feet exclusive of garages or basements. All homes shall have a minimum two (2) car garages.
6. To install curb and gutter and five (5) foot sidewalk with two (2) foot landscape strip along the property frontage on North Bogan Road and the proposed internal street.

7. The development shall comply with the Sewer Use Ordinance.

Ayes – 5

Nays – 0

**7. Zoning Amendment:**

#ZA-18-02: Consider amendment to zoning ordinance Section 1303. RM – Multi Family Residential District.

#ZA-18-02: Consider amendment to zoning ordinance Section 604. Minimum Floor Area Requirements.

**Planning & Zoning Recommendation:**

#ZA-18-02: Motion by Wayne Johnson and seconded by Homer Whiting to recommend approval for an amendment to the City of Buford Zoning Ordinance, Section 1303. RM – Multi-Family Residence District for RMD, RM-6 and RM-8 by adding: Any existing duplex at the time of adoption of this Ordinance shall not be extended or enlarged to create additional bedrooms or living spaces.

Ayes – 5

Nays – 0

#ZA-18-02: Motion by Homer Whiting and seconded by Harley Bennett to recommend approval for an amendment to the City of Buford Zoning Ordinance, Section 604. Minimum Floor Area Requirements to provide a maximum of two (2) bedrooms per unit for RMD, RM-6 and RM-8 zoning classifications.

Ayes – 5

Nays – 0

**8. Zoning Modification:**

**#ZM-18-04: Holland Point Retail, LLC (Publix Site)  
4108 Hamilton Mill Road**

To amend condition #6 from commission meeting of March 5, 2018 to comply with requirements of Zoning Ordinance 1316:

1. To allow Building #3 to have roof pitch less than 4/12.
2. To allow Buildings #1, 2 and 3 (excluding parcels 1, 2 and 3) to have all storefronts (primarily of glass) extend to the concrete sidewalk in lieu of a one-foot contrasting base.



9. Approve final plat for Olde Town Estates f/k/a Bailey Tract – Phase I.
10. Approve plat for 6699 McEver Road and accept right-of-way dedication.
11. Consider exemption of requirement to install curb and gutter and sidewalks  
At 2828 North Bogan Road (Gwinnett County would not improve on the county  
right-of-way).
12. Authorize installation of All-Way Stop Control at North Gwinnett Street and  
Lattimore Avenue subject to the approval of city engineer.
13. Approve Memorandum of Agreement with Georgia Department of Transportation  
for installation of street lights at 4345 Buford Drive.
14. Declare vehicles and equipment surplus and authorize to sell on gov.deals.
15. Consider extension of annual water and sewer contract with a 2% increase in pricing  
subject to the approval of the City attorney.
16. Approve payment #2 for 2014 City/Gwinnett County SPLOST joint project –  
widening of SR20 from South Lee Street to Buford Highway.
17. Authorize payment #2 for City of Buford Parking Deck project.
18. Authorize change order #3, final quantities and cost reduction,  
for SR 13/Heraeus Boulevard Intersection improvements.
19. Authorize payment # 1 for Hamilton Mill Road gas relocations project.
20. Consider adoption of proclamation in recognition of Thrombosis Awareness month.
21. Consider adoption of proclamation proclaiming November 6, 2018 as Venita  
Masters Day.
22. Allison Stewart-Harris and Jim Summerbell with Jacobs will present the draft  
update of the City of Buford 2040 Comprehensive Plan. Plan to be presented for  
adoption December 3, 2018.
23. City Manager’s report.
24. City Attorney’s report.

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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.